

Exhibit A



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Memo

Date: 8 September, 1998
To: D. Malanga, A. Manning, W. Gough, A. Graf, P. Hiley, L. Manfredi,
J. Van Schaften, J. Sherman, B. Vines, D. K. Willoughby
CC: H. Weintraub
From: R. Kapur
Subject: *Price Reports to Third Parties; AWP, WAC etc.*

Please ensure that any price report, such as AWP and WAC, to third parties (*other than the pricing quoted to accounts to meet competition in the normal course of business*) is reviewed with Harvey Weintraub before any submissions are made to ensure uniformity in approach and the consistent application of the correct and appropriate criteria. Harvey will coordinate any necessary internal reviews.

A handwritten signature in black ink, appearing to be 'RK' with a long horizontal stroke extending to the right.

R. Kapur

RK/bv

EXHIBIT	<u>62</u>
WIT:	<u>Weintraub</u>
DATE:	<u>9-20-06</u>
Cynthia Vohlken	

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HIGHLY CONFIDENTIAL

RGX 0016763

Exhibit B

2 (Pages 2 to 5)

<p style="text-align: right;">2</p> <p>1 UNITED STATES DISTRICT COURT DISTRICT OF ARIZONA</p> <p>2</p> <p>3 THE STATE OF ARIZONA) Cause No. 2:06-cv-00045-ROS ex rel. TERRY GODDARD,) Plaintiff,)</p> <p>4) VS.)</p> <p>5) ABBOTT LABORATORIES;) 6 et al.,) Defendants.)</p> <p>7 8 ***** 9</p> <p>10 IN THE CIRCUIT COURT OF PULASKI COUNTY, ARKANSAS FIFTH DIVISION</p> <p>11</p> <p>12 STATE OF ARKANSAS,) 13) VS.) CASE NO. CIV 2004-634 14) WARRICK PHARMACEUTICALS) 15 CORPORATION; SCHERING-PLOUGH) CORPORATION; and SCHERING) 16 CORPORATION.) *****</p> <p>17 DOCKET NO. X07-CV-03-0083296S (CLD) 18 STATE OF CONNECTICUT) SUPERIOR COURT 19) COMPLEX LITIGATION DOCKET 20) AT TOLLAND VS.) 21 DEY INC., ET AL) 22) 23 ***** 24 25</p>	<p style="text-align: right;">4</p> <p>1 COMMONWEALTH OF KENTUCKY FRANKLIN CIRCUIT COURT DIVISION TWO</p> <p>2</p> <p>3 CIVIL ACTION NO. 03-CI-1135</p> <p>4 COMMONWEALTH OF KENTUCKY) 5 ex rel. GREGORY D. STUMBO,) ATTORNEY GENERAL,) 6 Plaintiff,) VS.) 7) WARRICK PHARMACEUTICALS) 8 CORP., et al.,) Defendants.)</p> <p>9 10 ***** 11 UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS</p> <p>12</p> <p>13 THE COMMONWEALTH OF) MASSACHUSETTS,) Plaintiff,) 14) VS.) Case No. 03-CV-11865-PBX 15) MYLAN LABORATORIES,) 16 INC., et al.,) Defendants.)</p> <p>17 18 ***** 19 UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS</p> <p>20</p> <p>21 IN RE PHARMACEUTICAL) MDL No. 1456 INDUSTRY AVERAGE) Civil Action No. 01-12257-PBS 22 WHOLESALE PRICE) Judge Patti B. Saris LITIGATION) Magistrate Judge Marianne B. Bowler 23 24 ***** 25</p>
<p style="text-align: right;">3</p> <p>1 IN THE COURT OF THE SECOND JUDICIAL CIRCUIT IN AND FOR LEON COUNTY, FLORIDA</p> <p>2</p> <p>3 THE STATE OF FLORIDA) Ex rel.) VEN-A-CARE OF THE) CIVIL ACTION NO. 4 FLORIDA KEYS, INC.,) 98-3032A 5 et al.,) Plaintiffs,) 6) VS.) 7) BOEHRINGER INGELHEIM) 8 CORPORATION; DEY, INC.; DEY,) L.P.; et al.,) 9 Defendants.) 10 ***** 11 IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF HAWAII</p> <p>12</p> <p>13 STATE OF HAWAII,) CIVIL NO. 06-00437 Plaintiff,) DAE/BMK 14) VS.) 15) ABBOTT LABORATORIES INC.;) 16 ALPHARMA USPD, INC.; et al.,) Defendants.) 17 18 ***** 19 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS COUNTY DEPARTMENT, CHANCERY DIVISION</p> <p>20</p> <p>21 THE PEOPLE OF THE STATE OF) ILLINOIS,) Plaintiff,) 22) VS.) Case No. 05 CH 02474 23) ABBOTT LABORATORIES, et al.,) 24 Defendants.) 25 *****</p>	<p style="text-align: right;">5</p> <p>1 IN THE CHANCERY COURT OF THE FIRST JUDICIAL DISTRICT OF HINDS COUNTY, MISSISSIPPI</p> <p>2</p> <p>3 STATE OF MISSISSIPPI,) Plaintiff,) 4) VS.) CIVIL ACTION NO: G2005-2021 5) ABBOTT LABORATORIES,) 6 INC., et al.,) Defendant.)</p> <p>7 8 ***** 9 IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS STATE OF MISSOURI</p> <p>10</p> <p>11 STATE OF MISSOURI, ex rel.) JEREMIAH W. (JAY) NIXON,) 12 Attorney General,) AND) 13) Case No: 054-1216 14 MISSOURI DEPARTMENT OF) SOCIAL SERVICES, DIVISION OF) 15 MEDICAL SERVICES,) Division No. 31 Plaintiff,) 16) VS.) 17) DEY, INC., DEY, L.P., MERCK) 18 KGaA, et al.,) Defendant.)</p> <p>19 20 ***** 21 22 23 24 25</p>

<p style="text-align: right;">46</p> <p>1 MR. ANDERSON: I understand it.</p> <p>2 MR. MOORE: All right.</p> <p>3 HARVEY J. WEINTRAUB,</p> <p>4 having been previously duly sworn, testified as</p> <p>5 follows:</p> <p>6 EXAMINATION</p> <p>7 BY MR. MOORE:</p> <p>8 Q. Okay. Would you state your name for the</p> <p>9 record, sir?</p> <p>10 A. Harvey J. Weintraub.</p> <p>11 Q. What is your home address?</p> <p>12 A. 34 Woodcrest Drive, Convent Station, New</p> <p>13 Jersey.</p> <p>14 Q. How old are you, Mr. Weintraub?</p> <p>15 A. 77.</p> <p>16 Q. What's your date of birth?</p> <p>17 A. May 21st, 1929.</p> <p>18 Q. Are you currently employed?</p> <p>19 A. I consult at the moment.</p> <p>20 Q. Okay. Who do you consult for currently?</p> <p>21 A. Midland Healthcare.</p> <p>22 Q. What is your position with Midland</p> <p>23 Healthcare?</p> <p>24 A. I advise on the sales and marketing.</p> <p>25 Q. Do you also consult from time to time with</p>	<p style="text-align: right;">48</p> <p>1 Q. Since you've gone to work -- consulting for</p> <p>2 Midland, you've continued to consult for Schering</p> <p>3 Corp. and Warrick from time to time?</p> <p>4 A. Yes.</p> <p>5 Q. And consulting in what areas since you've</p> <p>6 been working for Midland?</p> <p>7 A. Primarily assisting in the institutional</p> <p>8 memory. I was there for a long period of time and</p> <p>9 don't do any sales and marketing activity at this</p> <p>10 point anymore.</p> <p>11 Q. All right. So you no longer do any -- any</p> <p>12 sales and marketing consulting for Warrick or Schering</p> <p>13 or any related company?</p> <p>14 A. No, I do not.</p> <p>15 Q. What do you charge for your consulting</p> <p>16 services to Midland?</p> <p>17 A. \$1500 a day.</p> <p>18 Q. What do you charge for your consulting</p> <p>19 activities with Schering and Warrick?</p> <p>20 A. \$1500 a day.</p> <p>21 Q. Okay. At one point in time you were a</p> <p>22 consultant for Warrick on its business-related</p> <p>23 matters; is that correct?</p> <p>24 A. That is correct.</p> <p>25 Q. Tell the jury what was the time period you</p>
<p style="text-align: right;">47</p> <p>1 Schering and Warrick?</p> <p>2 A. Yes, I do.</p> <p>3 Q. All right. And let's talk about Midland for</p> <p>4 a moment. What -- what are your duties, your</p> <p>5 consulting duties with Midland?</p> <p>6 A. To assist the chairman of the company with</p> <p>7 his sales and marketing activity.</p> <p>8 Q. What are the products sold by Midland?</p> <p>9 A. At the moment we only have two.</p> <p>10 Q. What are they?</p> <p>11 A. One is a cough/cold product called NY-Tannic.</p> <p>12 The second one is a sulfa drug and antibiotic.</p> <p>13 Q. How long have you worked -- consulted for</p> <p>14 Midland?</p> <p>15 A. Since the beginning of 2005.</p> <p>16 Q. Are you an owner of Midland Healthcare?</p> <p>17 A. No.</p> <p>18 Q. Where is Midland Healthcare located?</p> <p>19 A. Sales offices are in Princeton, New Jersey</p> <p>20 and the manufacturing facility is in Kansas City,</p> <p>21 Kansas.</p> <p>22 Q. Do you work full-time or part-time?</p> <p>23 A. Primarily part-time.</p> <p>24 Q. Do you work out of your home?</p> <p>25 A. Out of my home.</p>	<p style="text-align: right;">49</p> <p>1 were a consultant for Warrick Pharmaceuticals.</p> <p>2 A. From 1994 until the end of 2004 --</p> <p>3 Q. Okay.</p> <p>4 A. -- as a consultant.</p> <p>5 Q. All right. And when you quit consulting for</p> <p>6 Warrick, that was when? When did you stop consulting</p> <p>7 for Warrick on its day-to-day business activities?</p> <p>8 A. At the end of 2004.</p> <p>9 Q. And then after that you started doing</p> <p>10 business consulting for Midland Healthcare?</p> <p>11 A. That is correct.</p> <p>12 Q. And, Mr. Weintraub, before you went to work</p> <p>13 as a consultant for Warrick Pharmaceuticals, and we're</p> <p>14 going to go back into this in some detail, I'm just</p> <p>15 trying to get a broad outline, you worked for Schering</p> <p>16 Corporation, correct, sir?</p> <p>17 A. That is correct.</p> <p>18 Q. How many years did you work for Schering?</p> <p>19 A. For 40 years.</p> <p>20 Q. What's the time frame, just to get this in</p> <p>21 perspective?</p> <p>22 A. From 1953 until 1993.</p> <p>23 Q. Are you married?</p> <p>24 A. Yes, I am.</p> <p>25 Q. How long have you been married?</p>

20 (Pages 74 to 77)

<p style="text-align: right;">74</p> <p>1 A. Well, I wouldn't characterize it as next.</p> <p>2 When I was in the over-the-counter director of</p> <p>3 marketing position, I was among those who made a</p> <p>4 recommendation to buy a company and I was sent out to</p> <p>5 run that company simultaneously while I was director</p> <p>6 of marketing for over-the-counter products. That was</p> <p>7 the Emko Company.</p> <p>8 Q. All right. What was the Emko Company?</p> <p>9 A. It had a topical contraceptive foam.</p> <p>10 Q. Does your CV show you as a vice-president of</p> <p>11 Emko Company?</p> <p>12 A. Yes. Simultaneously with the position of</p> <p>13 director of marketing for over-the-counter products.</p> <p>14 Q. Okay. Then what's your next position with</p> <p>15 Schering Corp.?</p> <p>16 A. Then I moved into -- after we -- that</p> <p>17 position I moved into the position of director of</p> <p>18 marketing for prescription pharmacies. I just want to</p> <p>19 get the time frame correct.</p> <p>20 Q. Okay. Thank you.</p> <p>21 A. And then I became a vice president for</p> <p>22 marketing communications and services.</p> <p>23 Q. When was that?</p> <p>24 A. That was in 1980.</p> <p>25 Q. And was that a promotion?</p>	<p style="text-align: right;">76</p> <p>1 I came into it had about 800 or so people. I directed</p> <p>2 the over-the-counter sales force. I established an</p> <p>3 oncology sales force, a dermatology sales force. I</p> <p>4 had the areas that supported those sales forces, sales</p> <p>5 training, field planning, trade sales, sales</p> <p>6 administration, healthcare affairs, government</p> <p>7 affairs, pharmacy affairs. It was -- responsible for</p> <p>8 all the sales and support activities for the sales</p> <p>9 organization of Schering Corporation across the United</p> <p>10 States.</p> <p>11 Q. Is it fair to say, Mr. Weintraub, that from</p> <p>12 1953 to 1981 you rose from being a sales rep to being</p> <p>13 the vice-president of Schering Corp. in charge of all</p> <p>14 the sales reps; is that a fair statement?</p> <p>15 A. That is a fair statement.</p> <p>16 Q. What was your next position with Schering?</p> <p>17 A. I became vice-president for marketing and</p> <p>18 sales services for Key Pharmaceuticals and Schering</p> <p>19 Corporation.</p> <p>20 Q. And when was that?</p> <p>21 A. That was in 1991.</p> <p>22 Q. Was that a promotion, a lateral move or what?</p> <p>23 A. That was essentially a lateral move because I</p> <p>24 was being prepared -- I was preparing to move out and</p> <p>25 retire and it was part of a succession plan for my</p>
<p style="text-align: right;">75</p> <p>1 A. Yes, it was.</p> <p>2 Q. Describe that job for us, please, sir.</p> <p>3 A. I directed and controlled the advertising,</p> <p>4 the sales promotion, the government affairs</p> <p>5 department, the professional services department, the</p> <p>6 medical education department and all the activities</p> <p>7 that related to marketing products.</p> <p>8 Q. Both Schering prescription products and</p> <p>9 over-the-counter products?</p> <p>10 A. For both.</p> <p>11 Q. For both. And that was a national job?</p> <p>12 A. Yes, it was.</p> <p>13 Q. What was your next promotion within the</p> <p>14 Schering organization?</p> <p>15 A. Vice-president for sales.</p> <p>16 Q. When did you become vice-president for sales?</p> <p>17 A. 1981.</p> <p>18 Q. How long did you hold the position within</p> <p>19 Schering of vice-president of sales?</p> <p>20 A. From 1981 until 1991.</p> <p>21 Q. And for that 10-year period that you were</p> <p>22 vice-president of sales, describe for us in a short</p> <p>23 way what was your job at Schering, Mr. Weintraub?</p> <p>24 A. I directed all of the sales operations for</p> <p>25 Schering. That was the sales force, which at the time</p>	<p style="text-align: right;">77</p> <p>1 position.</p> <p>2 Q. What was your job as marketing and sales</p> <p>3 services for Key Pharmaceuticals and the others?</p> <p>4 A. I had all the support activities for the</p> <p>5 sales organization, sales training, sales operations,</p> <p>6 field force automation. We were automating the field</p> <p>7 force at that time. We had to put it in a</p> <p>8 computerized system, so I established that. I did all</p> <p>9 the -- supervised all the advertising activities and</p> <p>10 the market research activities for those</p> <p>11 organizations.</p> <p>12 Q. Mr. Weintraub, you then -- at some point you</p> <p>13 retired from Schering Corp.?</p> <p>14 A. Yes, I did.</p> <p>15 Q. When did you retire?</p> <p>16 A. Officially I came off the payroll of Schering</p> <p>17 Corporation in 1994, but in actuality I was out of the</p> <p>18 sales activities jobs by the end of 1993. I had</p> <p>19 accumulated vacation time, which I had to be paid for,</p> <p>20 so I didn't come off the payroll for a period of time.</p> <p>21 Q. Why did you retire from Schering?</p> <p>22 A. It was mandatory for vice-presidents and</p> <p>23 those above who were in policy-making positions to</p> <p>24 retire at age 65.</p> <p>25 Q. So you reached age 65 and it was a mandatory</p>

<p style="text-align: right;">82</p> <p>1 A. Yes. I am.</p> <p>2 Q. Okay. Was Proventil a brand drug?</p> <p>3 A. Yes, it was.</p> <p>4 Q. Is it still a brand drug of Schering?</p> <p>5 A. It is.</p> <p>6 Q. All right. What is a brand drug?</p> <p>7 A. A brand drug is one which carries a brand</p> <p>8 name, I hate to be redundant, but it carries a brand</p> <p>9 name and is prescribed by brand and can only be</p> <p>10 dispensed as written.</p> <p>11 Q. How did -- why was Proventil a brand drug of</p> <p>12 Schering? How did it have that status?</p> <p>13 A. It was a brand drug because Schering had</p> <p>14 applied for an NDA on that drug and the FDA approved</p> <p>15 it and a brand name was provided for it.</p> <p>16 Q. And so a jury understands what we're talking</p> <p>17 about, during the time you were selling Proventil, and</p> <p>18 even today, can any other company go out and sell</p> <p>19 Proventil or is that just exclusive to Schering?</p> <p>20 A. The name Proventil is exclusive to Schering.</p> <p>21 Q. Then there is something called a generic</p> <p>22 drug, correct, sir?</p> <p>23 A. That is correct.</p> <p>24 Q. Tell the jury what is a generic drug?</p> <p>25 A. The generic drug is a drug which consists of</p>	<p style="text-align: right;">84</p> <p>1 A. I believe it was the solution.</p> <p>2 Q. And explain for the jury, just in general</p> <p>3 terms, Mr. Weintraub, how that happens. Proventil</p> <p>4 solution is an exclusive brand to Schering and then --</p> <p>5 and then there comes a time when there is generic</p> <p>6 competition. Would you explain that for us, please?</p> <p>7 A. When the patent expires for a brand entity,</p> <p>8 generics that get FDA approval as being equal to the</p> <p>9 brand can come on the market and they can be</p> <p>10 substituted for the brand.</p> <p>11 Q. Okay. Mr. Weintraub, in 1993, approximately,</p> <p>12 how many Proventil inhalers were being manufactured by</p> <p>13 Schering on a yearly basis in the United States?</p> <p>14 A. I believe upwards of 20 million.</p> <p>15 Q. In 1993 who was the largest manufacturer and</p> <p>16 seller of albuterol inhalers in the United States?</p> <p>17 A. I believe it was Schering Corporation.</p> <p>18 Q. Did Schering continue to sell Proventil brand</p> <p>19 name products even after there was generic competition</p> <p>20 for those products?</p> <p>21 A. Yes.</p> <p>22 Q. What generally happened in the marketplace</p> <p>23 concerning a Proventil brand name product after there</p> <p>24 was generic competition for that type of product, what</p> <p>25 would you --</p>
<p style="text-align: right;">83</p> <p>1 the same chemical entity as that of the brand,</p> <p>2 however, it can be substituted for the brand.</p> <p>3 Q. Is there a name for the generic version of</p> <p>4 Proventil?</p> <p>5 A. Yes.</p> <p>6 Q. What is that?</p> <p>7 A. Albuterol.</p> <p>8 Q. Going back to Proventil for just a moment,</p> <p>9 was it, in your view, a successful Schering product?</p> <p>10 A. Highly successful.</p> <p>11 Q. Why do you say that?</p> <p>12 A. It had sales that were very significant.</p> <p>13 Q. In the late '80s and early '90s how did the</p> <p>14 Proventil sales compare, roughly, in volume of sales</p> <p>15 with other Schering brand drugs?</p> <p>16 A. I believe it was our largest single dollar --</p> <p>17 single product in terms of dollar volume.</p> <p>18 Q. When, to your recollection, and if you can</p> <p>19 only give me a range, I'll accept that, was there --</p> <p>20 did there first occur generic competition for any form</p> <p>21 of the Schering Proventil products?</p> <p>22 A. I believe in the early 1990s. I can't be</p> <p>23 exactly sure of the date.</p> <p>24 Q. And do you recall which form of Proventil</p> <p>25 received generic competition first?</p>	<p style="text-align: right;">85</p> <p>1 A. The sales deteriorate very rapidly.</p> <p>2 Q. Has that what -- has that happened with</p> <p>3 respect to Proventil?</p> <p>4 A. Yes.</p> <p>5 Q. Would you explain to the jury if you have</p> <p>6 deteriorating sales of the brand why -- and generics</p> <p>7 are being substituted, why are there still brands</p> <p>8 being sold?</p> <p>9 A. Some physicians prefer to have the brand,</p> <p>10 some patients prefer to have the brand.</p> <p>11 Q. During your 40 years -- approximate 40 years</p> <p>12 of selling and marketing brand drugs and</p> <p>13 over-the-counter drugs at Schering, did you ever sell</p> <p>14 any generic drugs?</p> <p>15 A. Not at Schering.</p> <p>16 Q. Okay. Why not?</p> <p>17 A. We didn't have any generic drugs.</p> <p>18 Q. So the whole time you were at Schering,</p> <p>19 Schering did not sell generic drugs, correct?</p> <p>20 A. Except for the last year or so that I was at</p> <p>21 Schering.</p> <p>22 Q. Okay. Did you yourself, were you involved --</p> <p>23 well, strike that. We'll go on.</p> <p>24 When did you first become involved with</p> <p>25 a company called Warrick Pharmaceuticals?</p>

<p style="text-align: right;">86</p> <p>1 A. In early 1993.</p> <p>2 Q. How did you become involved?</p> <p>3 A. I was asked to set Warrick up as an entity</p> <p>4 which would be able to operate and be prepared for the</p> <p>5 day that Proventil inhaler got generic competition.</p> <p>6 Q. At the time you first became involved in</p> <p>7 Warrick Pharmaceuticals, did the generic inhaler have</p> <p>8 generic competition, the inhaler?</p> <p>9 A. No, it did not.</p> <p>10 Q. Was Warrick already -- well, let's back up a</p> <p>11 minute.</p> <p>12 Warrick Pharmaceuticals was a company</p> <p>13 that was established or set up by Schering?</p> <p>14 A. I believe so.</p> <p>15 Q. And was Warrick already selling product under</p> <p>16 the Warrick name when you first became involved with</p> <p>17 Warrick?</p> <p>18 A. Yes, it was.</p> <p>19 Q. What products was it already selling?</p> <p>20 A. I believe it was already selling the</p> <p>21 solution. It may --</p> <p>22 Q. Go ahead.</p> <p>23 A. It may have been selling some of the other</p> <p>24 products, also, in the Proventil line.</p> <p>25 Q. But in your view, coming into Warrick what</p>	<p style="text-align: right;">88</p> <p>1 A. Most certainly.</p> <p>2 Q. Okay. How did you go about doing that?</p> <p>3 A. I went around the country and talked to</p> <p>4 friends of mine in the wholesale trade and in the</p> <p>5 chain business and just had them tell me what they</p> <p>6 knew about generics and how one had to operate on that</p> <p>7 plane, a business that I had never been in before.</p> <p>8 Q. What did you learn to be the most significant</p> <p>9 differences between selling brands and generics?</p> <p>10 A. In terms of selling them?</p> <p>11 Q. Yes, sir. Well, let's -- let's back up.</p> <p>12 Let's -- let's leave selling out for just a minute.</p> <p>13 What did you -- let's make it more general.</p> <p>14 What did you understand, based on your</p> <p>15 investigation, to be the most significant difference</p> <p>16 between brand drug products and generic drug products?</p> <p>17 A. Well, you say most significant, not</p> <p>18 necessarily in order, but brand drugs tend to have</p> <p>19 prices that are stable and go up over time. They can</p> <p>20 only be dispensed upon the prescription of a physician</p> <p>21 and unless there's a generic equivalent to it, it must</p> <p>22 be dispensed as written by the prescription.</p> <p>23 Brand drugs are prescribed by</p> <p>24 physicians, they're promoted by the pharmaceutical</p> <p>25 companies to hundreds of thousands of physicians and</p>
<p style="text-align: right;">87</p> <p>1 was your primary focus with Warrick?</p> <p>2 A. Coming into Warrick was to learn the generic</p> <p>3 business and to, therefore, when I did that, get</p> <p>4 Warrick operational so as to be able to function and</p> <p>5 recoup the sales of -- that would be lost when the</p> <p>6 Proventil inhaler got generic competition.</p> <p>7 Q. Why -- why was the Proventil inhaler -- why</p> <p>8 was the albuterol inhaler important as compared with</p> <p>9 the other albuterol products?</p> <p>10 A. It was the largest single dollar volume</p> <p>11 product Schering had.</p> <p>12 Q. Okay. What was your first position with</p> <p>13 Warrick?</p> <p>14 A. I was vice-president in charge of Warrick.</p> <p>15 Q. While you were still working for Schering?</p> <p>16 A. Yes.</p> <p>17 Q. And then after you retired from Schering what</p> <p>18 was your position with Warrick?</p> <p>19 A. I became a consultant.</p> <p>20 Q. Mr. Weintraub, when you became involved with</p> <p>21 Warrick in 1993, did you have any generic drug selling</p> <p>22 experience?</p> <p>23 A. No.</p> <p>24 Q. Did you need to learn about the generic drug</p> <p>25 business?</p>	<p style="text-align: right;">89</p> <p>1 the prescriptions are filled in the drug stores that</p> <p>2 receive those prescriptions.</p> <p>3 Generic drugs are different in that</p> <p>4 prices deteriorate very -- very rapidly, depending</p> <p>5 upon the amount of competition for the drug. They are</p> <p>6 not promoted to the physician because the physician</p> <p>7 has no choice in the generic drug as dispensed. The</p> <p>8 pharmacist has a choice. And basically in this</p> <p>9 country, there are probably 60 or 70 points of</p> <p>10 purchase for the generics that account for probably 90</p> <p>11 percent or more of the generic business.</p> <p>12 Did I indicate that prices go down very</p> <p>13 rapidly?</p> <p>14 Q. Yes, sir.</p> <p>15 A. That -- I guess one of the most important</p> <p>16 differences is that a generic drug is stocked as only</p> <p>17 one entity from any given manufacturer for that</p> <p>18 particular chemical entity. In other words, if</p> <p>19 generic drug A is on the market and generic drug B and</p> <p>20 C and D all the same, only one person in one</p> <p>21 organization makes the choice as to which one will be</p> <p>22 stocked. The others are not stocked at all.</p> <p>23 Q. To try to further --</p> <p>24 A. Am I clear on that?</p> <p>25 Q. Yes, sir. Let me -- let me ask you a few</p>

40 (Pages 154 to 157)

<p style="text-align: right;">154</p> <p>1 account.</p> <p>2 Q. Did -- to your recollection, did anyone from</p> <p>3 First DataBank ever respond to this request?</p> <p>4 A. I don't recall any response.</p> <p>5 Q. To your recollection, were you under the</p> <p>6 impression that they had complied with this request?</p> <p>7 A. Yes.</p> <p>8 Q. Why?</p> <p>9 A. Because I would get the publication, the</p> <p>10 written publication, periodically every two weeks or</p> <p>11 every month, I can't remember how often they came out,</p> <p>12 and I remember looking to see if they had complied.</p> <p>13 Q. Okay. And what do you remember seeing when</p> <p>14 you did look?</p> <p>15 A. Prices that came out to \$1.21 per unit for</p> <p>16 both package sizes.</p> <p>17 Q. All right. What about direct price?</p> <p>18 A. I don't recall even looking for it, but I</p> <p>19 don't think it was in there.</p> <p>20 Q. All right. In the -- in the -- you received</p> <p>21 the paper form of First DataBank, the booklets?</p> <p>22 A. That's the only form we got.</p> <p>23 Q. Did you ever receive the electronic</p> <p>24 information?</p> <p>25 A. Not to my knowledge.</p>	<p style="text-align: right;">156</p> <p>1 came in from First DataBank for purposes that they</p> <p>2 wanted to furnish WAC prices. And I indicated that we</p> <p>3 did not have WAC prices. We had no published list.</p> <p>4 At that point -- I can't remember if it was in the</p> <p>5 same conversation or in a subsequent conversation they</p> <p>6 said, "Well, send us your highest WAC prices for the</p> <p>7 products involved." So we sent them the highest WAC</p> <p>8 prices, I believe.</p> <p>9 Q. What were your highest WAC -- what did you go</p> <p>10 to to get your highest WAC prices?</p> <p>11 A. We had a price listing in Schering -- in</p> <p>12 Warrick, rather, and that -- that became the source of</p> <p>13 my information.</p> <p>14 Q. Now, there is a term here, I want to back up</p> <p>15 just a minute, a term called "WAC," W-A-C.</p> <p>16 A. Yes.</p> <p>17 Q. What is your understanding of what -- what</p> <p>18 those letters stand for, W-A-C?</p> <p>19 A. Wholesaler acquisition cost.</p> <p>20 Q. All right. And what is your understanding of</p> <p>21 what -- what price is being referred to when --</p> <p>22 when -- when a WAC price is mentioned?</p> <p>23 A. An undiscounted invoice price.</p> <p>24 Q. To who?</p> <p>25 A. To the recipient, the wholesaler.</p>
<p style="text-align: right;">155</p> <p>1 Q. Did you have to pay more for the electronic</p> <p>2 information?</p> <p>3 A. Yes.</p> <p>4 Q. Chose not to purchase it?</p> <p>5 A. That's correct.</p> <p>6 (Exhibit 4 marked)</p> <p>7 Q. (BY MR. MOORE) Mr. Weintraub, I've put in</p> <p>8 front of you a document that's marked as Exhibit</p> <p>9 Number 4. Would you identify this for us, please,</p> <p>10 sir, if you can?</p> <p>11 A. It's a letter that I wrote to a Kay Morgan at</p> <p>12 First DataBank.</p> <p>13 Q. What's the date of the letter, sir?</p> <p>14 A. The date of the letter was July 16, 2002.</p> <p>15 Q. All right. And is this a true and correct</p> <p>16 copy of a letter that you sent Kay Morgan of First</p> <p>17 DataBank on or about July 16th, 2002?</p> <p>18 A. Yes, it is.</p> <p>19 Q. And is it your signature at the bottom?</p> <p>20 A. Yes, it is.</p> <p>21 Q. Describe the circumstances, Mr. Weintraub,</p> <p>22 surrounding sending this letter to First DataBank in</p> <p>23 2002.</p> <p>24 A. I don't recall the exact circumstances. The</p> <p>25 most I can recall was that there was a request that</p>	<p style="text-align: right;">157</p> <p>1 Q. All right. Now, you said that Warrick didn't</p> <p>2 publish a list of WAC prices; is that true?</p> <p>3 A. That's correct.</p> <p>4 Q. All right.</p> <p>5 A. We didn't have WAC prices as such.</p> <p>6 Q. Did Warrick periodically publish sort of like</p> <p>7 a quarterly listing or an annual listing of published</p> <p>8 list WAC prices, did you do that?</p> <p>9 A. No, we did not.</p> <p>10 MR. HEIDLAGE: Objection.</p> <p>11 Q. (BY MR. MOORE) Why not?</p> <p>12 A. We didn't have WAC prices.</p> <p>13 Q. Okay.</p> <p>14 A. And whatever prices we invoiced at were</p> <p>15 different for each customer.</p> <p>16 Q. Did Warrick usually use the term "WAC" in its</p> <p>17 business on a routine basis?</p> <p>18 A. Not usually.</p> <p>19 Q. Were there times that you would use the term</p> <p>20 "WAC" in your business?</p> <p>21 A. Yes.</p> <p>22 Q. Explain to the jury why you might -- we might</p> <p>23 find you using the acronym "WAC" in your business.</p> <p>24 A. Some wholesalers utilize the term "WAC" and</p> <p>25 wanted their communications on the basis of WAC so</p>

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<p style="text-align: right;">158</p> <p>1 they -- we would make sure there was no 2 miscommunication. And Cardinal, I believe, was one of 3 those. They wanted -- they wanted everything as WAC 4 for their purposes to make sure we were on the same 5 page. 6 Q. Looking at Exhibits -- look at Exhibit 7 2 and -- excuse me. Look at Exhibit 3 and 4 together, 8 Mr. Weintraub. Exhibit 3 is your letter to First 9 DataBank dated October 12th, 1993 when you lowered the 10 AWP on one of the 3 mL's, correct? 11 A. That's correct. 12 Q. And Exhibit 4 is a letter some nine years 13 later, July 16th, 2002, when you sent some pricing 14 information to First DataBank at their request; is 15 that true? 16 A. That's correct. 17 Q. All right. In the interim, in that nine-year 18 interim, did First DataBank ask you for any pricing 19 information, direct prices or WACs or anything else? 20 A. I can't recall any time. 21 Q. Okay. 22 A. They may have, but I can't recall. 23 Q. Can you recall any time that First DataBank 24 asked you for some WAC pricing other than this event 25 that occurred in July of 2002? Do you have a</p>	<p style="text-align: right;">160</p> <p>1 Q. (BY MR. MOORE) Okay. What's the date of the 2 letter? 3 A. The letter is dated February 23rd, 1995. 4 Q. Would it be fair to say based on your 5 procedures that a letter like this would have gone out 6 to all the states at about that time? 7 A. Yes. 8 Q. Okay. Why were you raising the AWP on the 20 9 mL bottle of solution in February of 1995? 10 A. Because I raised the price uniformly for this 11 product across the country and I came out of the brand 12 industry and it was the practice in the brand industry 13 to raise the AWP's when you raised a price for a 14 product uniformly and consequently I raised the price, 15 the AWP. 16 Q. Why were you taking a price increase on the 17 20 milliliter bottle of albuterol solution in 1995? 18 A. The major competitor that we had for that 19 product had its product removed from the market by the 20 FDA. We were virtually the only 20 mL manufacturer 21 and supplier in the country at that time. This gave 22 us a chance to recoup the monies lost because the 23 price had deteriorated from the time we came out with 24 the product to this level and we thought this would 25 help recoup some of the monies on this product and we</p>
<p style="text-align: right;">159</p> <p>1 recollection of any other time that First DataBank 2 asked you for that kind of information? 3 A. I have no recollection of any of that. 4 Q. Do you have a recollection of providing 5 direct prices to First DataBank from October of '93 6 until July of 2002? Do you have a recollection of 7 that? 8 A. I don't have a specific recollection. 9 Q. Okay. 10 (Exhibit 5 marked) 11 Q. (BY MR. MOORE) Mr. Weintraub, I've handed 12 you a document which the court reporter has marked as 13 Exhibit 5. Would you identify that, please? 14 A. It is a communication from me to the State of 15 Texas indicating that the AWP for albuterol 16 solution .5 percent 20 mL would increase. This letter 17 went out to all states, state Medicaid offices. 18 Q. That was going to be my next question. 19 Let's -- let's take it one step at a time, please. 20 Exhibit 5 is a letter that you wrote to 21 the State of Texas announcing that an increase in your 22 AWP on the -- on this 20 mL bottle of solution that we 23 looked at, the bigger bottle, correct? 24 MR. HEUCK: Objection, leading. 25 A. Correct.</p>	<p style="text-align: right;">161</p> <p>1 had the opportunity to do so. 2 Q. Was there or was there not an actual price 3 increase on the 20 mL product to your customers in 4 1995? 5 A. There was a significant price increase. 6 Q. Okay. And you said that you took the AWP up 7 because based on your experience in the branded 8 business? 9 A. That's right. I had 40 years' experience on 10 the brand side and that's what you did. 11 Q. What happens in the brand side when an AWP -- 12 when an actual brand price goes up, what generally 13 happens with the AWP, based on your experience? 14 A. The AWP goes up in proportion to the increase 15 on the price of the product. 16 Q. Is that what you were thinking here when you 17 did this in 1995? 18 A. Yes, it was. 19 Q. When you took this price increase, 20 Mr. Weintraub, and raised the AWP in 1995, were you in 21 any way trying to manipulate or increase third-party 22 reimbursement for your customers by doing this? 23 MR. HEIDLAGE: Objection. 24 A. No. It was just the practice that I followed 25 routinely when I was on the brand side of the business</p>

2 (Pages 419 to 422)

<p style="text-align: right;">419</p> <p>1 UNITED STATES DISTRICT COURT DISTRICT OF ARIZONA</p> <p>2 THE STATE OF ARIZONA) Cause No. 2:06-cv-00045-ROS 3 ex rel. TERRY GODDARD,) Plaintiff,) 4) VS.) 5) ABBOTT LABORATORIES;) 6 et al.,) Defendants.)</p> <p>7 ***** 8 9 IN THE CIRCUIT COURT OF PULASKI COUNTY, ARKANSAS 10 FIFTH DIVISION</p> <p>11 STATE OF ARKANSAS,) 12) VS.) CASE NO. CIV 2004-634 13) WARRICK PHARMACEUTICALS) 14 CORPORATION; SCHERING-PLOUGH) CORPORATION; and SCHERING) 15 CORPORATION.) 16 *****</p> <p>17 DOCKET NO. X07-CV-03-0083296S (CLD) 18 STATE OF CONNECTICUT) SUPERIOR COURT 19) COMPLEX LITIGATION DOCKET 20) AT TOLLAND VS.) 21) DEY INC., ET AL) 22) 23 ***** 24 25</p>	<p style="text-align: right;">421</p> <p>1 COMMONWEALTH OF KENTUCKY FRANKLIN CIRCUIT COURT DIVISION TWO</p> <p>2 3 CIVIL ACTION NO. 03-CI-1135</p> <p>4 COMMONWEALTH OF KENTUCKY) 5 ex rel. GREGORY D. STUMBO,) ATTORNEY GENERAL,) 6 Plaintiff,) VS.) 7) WARRICK PHARMACEUTICALS) 8 CORP., et al.,) Defendants.) 9 ***** 10 11 UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS</p> <p>12 THE COMMONWEALTH OF) 13 MASSACHUSETTS,) 14 Plaintiff,) VS.) Case No. 03-CV-11865-PBX 15) 16 MYLAN LABORATORIES,) INC., et al.,) 17 Defendants.) 18 ***** 19 20 UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS</p> <p>21 IN RE PHARMACEUTICAL) MDL No. 1456 22 INDUSTRY AVERAGE) Civil Action No. 01-12257-PBS 23 WHOLESALE PRICE) Judge Patti B. Saris LITIGATION) Magistrate Judge 24) Marianne B. Bowler 25</p>
<p style="text-align: right;">420</p> <p>1 IN THE COURT OF THE SECOND JUDICIAL CIRCUIT IN AND FOR LEON COUNTY, FLORIDA</p> <p>2 THE STATE OF FLORIDA) 3 Ex rel.) 4 VEN-A-CARE OF THE) CIVIL ACTION NO. FLORIDA KEYS, INC.,) 98-3032A 5 et al.,) Plaintiffs,) 6 VS.) 7) BOEHRINGER INGELHEIM) 8 CORPORATION; DEY, INC.; DEY,) L.P.; et al.,) 9 Defendants.) 10 ***** 11 12 IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF HAWAII</p> <p>13 STATE OF HAWAII,) CIVIL NO. 06-00437 14 Plaintiff,) DAE/BMK VS.) 15) ABBOTT LABORATORIES INC.;) 16 ALPHARMA USPD, INC.; et al.,) Defendants.) 17 ***** 18 19 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS COUNTY DEPARTMENT, CHANCERY DIVISION</p> <p>20 THE PEOPLE OF THE STATE OF) 21 ILLINOIS,) 22 Plaintiff,) VS.) Case No. 05 CH 02474 23) 24 ABBOTT LABORATORIES, et al.,) Defendants.) 25</p>	<p style="text-align: right;">422</p> <p>1 IN THE CHANCERY COURT OF THE FIRST JUDICIAL DISTRICT OF HINDS COUNTY, MISSISSIPPI</p> <p>2 3 STATE OF MISSISSIPPI,) Plaintiff,) 4) VS.) CIVIL ACTION NO: G2005-2021 5) 6 ABBOTT LABORATORIES,) INC., et al.,) Defendant.) 7 ***** 8 9 IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS STATE OF MISSOURI</p> <p>10 11 STATE OF MISSOURI, ex rel.) JEREMIAH W. (JAY) NIXON,) 12 Attorney General,) AND) 13) Case No: 054-1216 14 MISSOURI DEPARTMENT OF) SOCIAL SERVICES, DIVISION OF) 15 MEDICAL SERVICES,) Division No. 31 Plaintiff,) 16) VS.) 17) DEY, INC., DEY, L.P., MERCK) 18 KGaA, et al.,) Defendant.) 19 ***** 20 21 22 23 24 25</p>

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<p style="text-align: right;">423</p> <p>1 SUPERIOR COURT OF NEW JERSEY 2 UNION COUNTY 3 LAW DIVISION 4 DOCKET NO.: UNN-L-2329-04</p> <p>5 CLIFFSIDE NURSING HOME, INC.,) 6 on behalf of itself and all) 7 other similarly situated, as) 8 defined herein,) 9 Plaintiffs,) Civil Action 10 VS.) 11) 12 DEY, INC., WARRICK) 13 PHARMACEUTICALS CORPORATION,) 14 et al.,) 15 Defendants.)</p> <p>16 *****</p> <p>17 SUPERIOR COURT OF NEW JERSEY 18 MONMOUTH COUNTY 19 LAW DIVISION 20 DOCKET NO.: MON-L-3136-06</p> <p>21 INTERNATIONAL UNION OF) 22 OPERATING ENGINEERS,) 23 LOCAL 68 WELFARE FUND,) Civil Action 24 Plaintiffs,) 25 VS.) 26) 27 ASTRAZENECA, PLC, et al.,) 28 Defendant.)</p> <p>29 *****</p> <p>30 STATE OF NEW YORK 31 SUPREME COURT : COUNTY OF ERIE</p> <p>32 THE COUNTY OF ERIE,) 33 Plaintiff,) 34) 35 VS.) Index No. 12005-2439 36) 37 ABBOTT LABORATORIES,) 38 INC. ET AL.,) 39 Defendants.)</p>	<p style="text-align: right;">425</p> <p>1 IN THE COMMONWEALTH COURT OF PENNSYLVANIA 2 3 COMMONWEALTH OF PENNSYLVANIA) 4 by Thomas W. Corbett, Jr.,) 5 in his capacity as Attorney) 6 General of the Commonwealth) 7 of Pennsylvania,) No. 212 MD 2004 8 Plaintiff,) 9) 10 VS.) 11) 12 TAP PHARMACEUTICAL PRODUCTS,) 13 INC., et al.,) 14 Defendant.)</p> <p>15 *****</p> <p>16 STATE OF SOUTH CAROLINA IN THE COURT OF COMMON PLEAS 17 COUNTY OF RICHLAND FOR THE FIFTH JUDICIAL CIRCUIT 18 STATE OF SOUTH CAROLINA,) 19 and HENRY D. McMASTER,) 20 In His Official Capacity as) 21 Attorney General for the) Civil Action No. 22 State of South Carolina,) 06-CP-40-4390 23 Plaintiff,) 24 VS.) 25) 26 WARRICK PHARMACEUTICALS) 27 CORPORATION, SCHERING-PLOUGH) 28 CORPORATION, and SCHERING) 29 CORPORATION,) 30 Defendants.)</p> <p>31 *****</p> <p>32 33 34 35</p>
<p style="text-align: right;">424</p> <p>1 STATE OF NEW YORK 2 SUPREME COURT COUNTY OF OSWEGO</p> <p>3 THE COUNTY OF OSWEGO,) 4 Plaintiff,) 5 -against-) Index No. 06-0697 6) 7 ABBOTT LABORATORIES,) 8 INC., AGOURON) 9 PHARMACEUTICALS, INC.,) 10 ET AL.,) 11 Defendants.)</p> <p>12 *****</p> <p>13 STATE OF NEW YORK 14 SUPREME COURT COUNTY OF SCHENECTADY</p> <p>15 THE COUNTY OF OSWEGO,) 16 Plaintiff,) 17 -against-) Index No. 2006-886 18) 19 ABBOTT LABORATORIES,) 20 INC., AGOURON) 21 PHARMACEUTICALS, INC.,) 22 ET AL.,) 23 Defendants.)</p> <p>24 *****</p> <p>25 COUNTY OF COMMON PLEAS HAMILTON COUNTY, OHIO</p> <p>STATE OF OHIO,) Case No. A0402047 Plaintiff,) Judge Myers -vs-) DEY, INC., et al.,) Defendant.)</p>	<p style="text-align: right;">426</p> <p>1 STATE OF SOUTH CAROLINA IN THE COURT OF COMMON PLEAS 2 COUNTY OF RICHLAND FOR THE FIFTH JUDICIAL CIRCUIT 3 STATE OF SOUTH CAROLINA,) 4 and HENRY D. McMASTER,) 5 In His Official Capacity as) 6 Attorney General for the) Civil Action No. 7 State of South Carolina,) 06-CP-40-4399 8 Plaintiff,) 9 VS.) 10) 11 WARRICK PHARMACEUTICALS) 12 CORPORATION, SCHERING-PLOUGH) 13 CORPORATION, and SCHERING) 14 CORPORATION,) 15 Defendants.)</p> <p>16 *****</p> <p>17 STATE OF WISCONSIN CIRCUIT COURT DANE COUNTY 18 BRANCH 7 19 20 STATE OF WISCONSIN,) 21 Plaintiff,) 22 VS.) Case NO. 04-CV-1709 23) 24 AMGEN, INC., et al.,) 25 Defendants.)</p> <p>*****</p> <p>26 27 28 29</p>

37 (Pages 559 to 562)

<p style="text-align: right;">559</p> <p>1 Q. Did you report WACs to the pricing services</p> <p>2 and the Medicaid programs in connection with the</p> <p>3 launch of the 17-gram inhaler and refill?</p> <p>4 A. I would have to look at the documents. I</p> <p>5 know we reported AWP. I don't know what else we</p> <p>6 reported.</p> <p>7 Q. Do you recall that in those form letters that</p> <p>8 were sent under your authorization to the Medicaid</p> <p>9 programs at the launch of the inhaler and refill that</p> <p>10 Warrick reported what it styled as direct wholesale</p> <p>11 price?</p> <p>12 MR. MOORE: Object to the form of the</p> <p>13 question. No foundation.</p> <p>14 A. I would have to look at the document.</p> <p>15 Q. (BY MR. ANDERSON) Did Warrick use direct</p> <p>16 wholesale synonymously with WAC?</p> <p>17 MR. MOORE: Object to the form of the</p> <p>18 question. It's asked and answered. It's repetitive</p> <p>19 and it's a waste of time in the limited time we have</p> <p>20 in this deposition.</p> <p>21 MR. HEUCK: Object to the sidebar.</p> <p>22 MR. MOORE: It's just an objection,</p> <p>23 Counsel.</p> <p>24 MR. ANDERSON: "Object, form," Mike, and</p> <p>25 stop all of the filibustering. And allow this witness</p>	<p style="text-align: right;">561</p> <p>1 answered, repetitive.</p> <p>2 A. I have to see the document. I have to see</p> <p>3 the document, see the context in which it was being</p> <p>4 listed.</p> <p>5 Q. (BY MR. ANDERSON) Reading from the first</p> <p>6 paragraph, Mr. Weintraub, of Exhibit 62. "Please</p> <p>7 ensure that any price report, such as AWP and WAC, to</p> <p>8 third parties (other than the pricing quoted to</p> <p>9 accounts to meet competition in the normal course of</p> <p>10 business) is reviewed with Harvey Weintraub before any</p> <p>11 submissions are made to ensure uniformity and approach</p> <p>12 and the consistent application of the correct and</p> <p>13 appropriate criteria."</p> <p>14 Did I read that correctly?</p> <p>15 A. Yes, you did.</p> <p>16 Q. Does -- do you agree, sir, that you were in</p> <p>17 charge of ensuring that Warrick's submission of AWP</p> <p>18 and WAC prices to third parties were correct and</p> <p>19 appropriate?</p> <p>20 A. I --</p> <p>21 MR. MOORE: Object -- go ahead.</p> <p>22 A. I -- as this document says, I was given</p> <p>23 responsibility to ensure uniformity and approach and</p> <p>24 consistent application of the correct and appropriate</p> <p>25 criteria.</p>
<p style="text-align: right;">560</p> <p>1 to answer the questions.</p> <p>2 MR. MOORE: I have --</p> <p>3 MR. ANDERSON: Just "object, form."</p> <p>4 It's two words. That's it.</p> <p>5 MR. MOORE: I'm not going to have a</p> <p>6 debate with you and don't -- you don't instruct me</p> <p>7 what to do. I'm going to do what I'm going to do to</p> <p>8 represent my client --</p> <p>9 MR. ANDERSON: Well, I would ask you --</p> <p>10 MR. MOORE: -- and I don't need your</p> <p>11 instructions, so just --</p> <p>12 MR. ANDERSON: I would ask you --</p> <p>13 MR. MOORE: -- keep them to yourself.</p> <p>14 MR. ANDERSON: I would ask you to follow</p> <p>15 the rules, please.</p> <p>16 MR. MOORE: I do not need your</p> <p>17 instructions and I'm following the rules, so ...</p> <p>18 MR. ANDERSON: I disagree.</p> <p>19 Q. (BY MR. ANDERSON) Mr. Weintraub --</p> <p>20 MR. MOORE: Well, we disagree on a lot</p> <p>21 of things.</p> <p>22 Q. (BY MR. ANDERSON) Mr. Weintraub, in</p> <p>23 reporting direct wholesale prices at the launch of the</p> <p>24 inhaler, were you using that synonymously with WAC?</p> <p>25 MR. MOORE: Objection, asked and</p>	<p style="text-align: right;">562</p> <p>1 Q. (BY MR. ANDERSON) What were the correct and</p> <p>2 appropriate criteria?</p> <p>3 A. Well, if we were submitting -- in this case</p> <p>4 it would say "WAC." I wanted to make sure that the</p> <p>5 WAC was consistent with our direct price, and so on.</p> <p>6 I wanted to make sure that whatever was submitted was</p> <p>7 correct in terms of what was being requested by the</p> <p>8 third-party organization in terms of how they defined</p> <p>9 that request.</p> <p>10 Q. What did you do to go about understanding</p> <p>11 what the Medicaid programs were seeking from you?</p> <p>12 MR. MOORE: Object to the form. Asked</p> <p>13 and answered.</p> <p>14 A. Medicaid programs in general never came to</p> <p>15 me, that I recall, seeking anything. All they did was</p> <p>16 ask for, in general, when we launched a product, what</p> <p>17 the NDC code was, what the AWP was, who the</p> <p>18 manufacturer was, and that's in general what was</p> <p>19 supplied to the Medicaid people. In general they</p> <p>20 never came to us for any -- in general for any</p> <p>21 specific information.</p> <p>22 Q. (BY MR. ANDERSON) Mr. Weintraub, did you do</p> <p>23 anything to ascertain the proper criteria in</p> <p>24 submitting AWP and WAC prices to third parties,</p> <p>25 including First DataBank and Medicaid programs?</p>

<p style="text-align: right;">563</p> <p>1 MR. MOORE: Object to form. Asked and 2 answered. And you're asking him for a legal 3 conclusion. 4 A. I would not have reviewed the several 5 thousand third-party programs in the Medicaid. I 6 would take them one by one if they got -- if I got a 7 request for them and ascertain what the appropriate 8 criteria would be. 9 Q. (BY MR. ANDERSON) Well, when you were 10 provided with this responsibility set forth in Exhibit 11 62 by Mr. Kapur, at that point had you ascertained 12 what the correct and appropriate criteria for 13 submitting AWP and WAC prices was? 14 MR. MOORE: Objection, form. 15 A. No. That would depend upon the requesting 16 party, what it was they were asking for. 17 Q. (BY MR. ANDERSON) And what steps did you 18 take to understand that? 19 A. I would have found -- I would have looked at 20 the request and seen what it was asking for. 21 Q. Did you review any Medicaid laws, rules or 22 regulations pertaining to pharmaceutical 23 reimbursement? 24 A. I did not. 25 MR. MOORE: Objection -- excuse me, sir,</p>	<p style="text-align: right;">565</p> <p>1 an exhibit and it's going to be in the record, 2 shouldn't we refer to the exhibit number? 3 Q. (BY MR. ANDERSON) Mr. Weintraub, do you 4 recognize that as an example of the form letters you 5 sent out to the Medicare program? 6 MR. MOORE: Objection, form. 7 Can we show him the exhibit? 8 Q. (BY MR. ANDERSON) It was marked as Exhibit 9 33 yesterday, Mr. Weintraub. 10 A. That would be in the pile. I'll let you work 11 through it. 12 MR. MOORE: Thank you. 13 Q. (BY MR. ANDERSON) Do you recognize that as 14 the form letter that was sent out under your 15 authorization to all the Medicaid programs when you 16 launched the inhaler and refill? 17 A. Yes. 18 Q. And do you see there prices of 16.06 and 19 14.80 -- 20 A. Yes. 21 Q. -- listed as direct wholesale? 22 A. Yes. 23 Q. And did you intend those prices to be 24 utilized by the Medicaid programs in setting the 25 reimbursement on your Warrick products?</p>
<p style="text-align: right;">564</p> <p>1 please. 2 Objection, asked and answered. 3 A. I did not. 4 Q. (BY MR. ANDERSON) Mr. Weintraub, you stated 5 that you would like to look at the form that you sent 6 to the Medicaid programs at the launch of the inhaler 7 and refill. 8 A. Yes. 9 Q. This is an extra copy I have of a document 10 that was marked yesterday as an exhibit. It's the 11 letter that you sent -- 12 MR. MOORE: What exhibit number is it? 13 MR. ANDERSON: We'll find that for you, 14 Mike. 15 MR. MOORE: Yeah. 16 Q. (BY MR. ANDERSON) Do you recognize that -- 17 MR. MOORE: I don't want him to refer to 18 it unless you tell -- if it's already marked as an 19 exhibit -- 20 MR. ANDERSON: Well, we're short on 21 time, Mike. 22 MR. MOORE: Okay. 23 MR. ANDERSON: Find the exhibit. 24 MR. MOORE: No, no. If you're going to 25 ask him about something that's already been marked as</p>	<p style="text-align: right;">566</p> <p>1 MR. MOORE: Objection, asked and 2 answered. Repetitive from yesterday or the day 3 before. 4 A. My intent was to inform them of what our 5 direct wholesale price would be going out. How they 6 utilized it, I really don't know. 7 Q. (BY MR. ANDERSON) Did you intend for those 8 direct wholesale prices to be utilized as WAC prices? 9 MR. MOORE: Objection, asked and 10 answered, repetitive. I object to the form. 11 A. How they utilized it, I don't know. All I 12 know is this was our direct price to the wholesaler. 13 It was our invoice price. 14 Q. (BY MR. ANDERSON) I'm asking about your 15 intent, sir. 16 A. Our intent was that this -- we were providing 17 them information as to what our going-out price was 18 expected to be. That's all that was intended for. 19 Q. Your going-out price to what class of trade? 20 MR. MOORE: Objection. Excuse me. 21 Objection, asked and answered. Repetitive. 22 A. It says -- it says wholesale. 23 Q. (BY MR. ANDERSON) So your national 24 wholesalers you expected to pay \$16.06 at launch? 25 MR. MOORE: Objection --</p>

43 (Pages 583 to 586)

<p style="text-align: right;">583</p> <p>1 A. No, I do not.</p> <p>2 Q. Do you recognize the handwriting on the first</p> <p>3 page of the document?</p> <p>4 A. No, I do not.</p> <p>5 Q. Do you recognize the name Janice Brennan?</p> <p>6 A. Yes, I do.</p> <p>7 Q. Does Janice Brennan perform work on behalf of</p> <p>8 Warrick?</p> <p>9 A. She performs certain types of data</p> <p>10 submissions to various agencies on behalf of all of</p> <p>11 the units of Schering Corporation.</p> <p>12 Q. Including Warrick?</p> <p>13 A. Including Warrick.</p> <p>14 MR. MOORE: Jarrett, is there a date on</p> <p>15 this or is it just a bad copy or --</p> <p>16 Q. (BY MR. ANDERSON) Mr. Weintraub, could you</p> <p>17 flip to the second page of Exhibit 68? Does that</p> <p>18 appear to be a letter from First DataBank to</p> <p>19 Ms. Janice Brennan?</p> <p>20 A. It would appear to be.</p> <p>21 Q. Then flipping to the next page. Do you see</p> <p>22 there in the footer a copyright, quote, 1998</p> <p>23 Medi-Span?</p> <p>24 A. Yes.</p> <p>25 Q. Do you know, Mr. Weintraub, whether or not</p>	<p style="text-align: right;">585</p> <p>1 A. Yes, it does.</p> <p>2 Q. Do you see there on the first paragraph it</p> <p>3 states, "I have enclosed a printout that reflects your</p> <p>4 product line as it is presently listed by First</p> <p>5 DataBank"?</p> <p>6 MR. MOORE: I object --</p> <p>7 A. Yeah.</p> <p>8 MR. MOORE: I object to the form. There</p> <p>9 is no foundation.</p> <p>10 A. I see that.</p> <p>11 Q. (BY MR. ANDERSON) Did I read that correctly?</p> <p>12 A. Yes, you did.</p> <p>13 MR. MOORE: Same objection.</p> <p>14 Q. (BY MR. ANDERSON) Do you know,</p> <p>15 Mr. Weintraub, whether or not from time to time First</p> <p>16 DataBank sent printouts or other reports in electronic</p> <p>17 form to Schering and Warrick personnel notifying them</p> <p>18 of the prices being published on Warrick products?</p> <p>19 MR. MOORE: Objection, form. No</p> <p>20 foundation as it relates to this document, Exhibit 69.</p> <p>21 A. I think I've referred to the fact that</p> <p>22 Warrick personnel, people I was working with in the</p> <p>23 Warrick setup, did not receive electronic reports from</p> <p>24 First DataBank. All we got was published reports. If</p> <p>25 there were other sections of Schering Corporation that</p>
<p style="text-align: right;">584</p> <p>1 Janice Brennan or others kept files pertaining to</p> <p>2 Warrick drugs from pricing services?</p> <p>3 A. I don't know that. I don't know what she</p> <p>4 kept or didn't keep.</p> <p>5 Q. Did you communicate from time to time with</p> <p>6 Ms. Brennan about how she was to report prices to the</p> <p>7 pricing services?</p> <p>8 A. No, I did not.</p> <p>9 Q. Did Ms. Brennan ever notify you that the</p> <p>10 pricing services wanted accurate, up-to-date</p> <p>11 information?</p> <p>12 MR. MOORE: Object to the form.</p> <p>13 A. To my knowledge Ms. Brennan and I never spoke</p> <p>14 about pricing services.</p> <p>15 Q. (BY MR. ANDERSON) At all?</p> <p>16 A. To my knowledge I cannot recall doing so</p> <p>17 specifically. It certainly was not a routine.</p> <p>18 (Exhibit 69 marked)</p> <p>19 Q. (BY MR. ANDERSON) Mr. Weintraub, please</p> <p>20 review what's been marked as Exhibit 69, a two-page</p> <p>21 exhibit Bates labeled RGX 0190087 and 88.</p> <p>22 A. 69. Where is 68? Is that the one I had?</p> <p>23 Yes. Okay.</p> <p>24 Q. Does the first page of Exhibit 69 appear to</p> <p>25 be a letter from First DataBank dated December 1998?</p>	<p style="text-align: right;">586</p> <p>1 got them, I was not aware of that.</p> <p>2 Q. Do you believe, Mr. Weintraub, that if</p> <p>3 Schering personnel such as Janice Brennan were</p> <p>4 receiving pricing reports regarding the Warrick label</p> <p>5 from First DataBank that they should have forwarded</p> <p>6 those on to you and others at Warrick?</p> <p>7 MR. MOORE: Objection, form.</p> <p>8 A. I don't -- I don't know that she should have.</p> <p>9 Q. (BY MR. ANDERSON) Do you believe, sir, that</p> <p>10 if Janice Brennan was working on behalf of Warrick,</p> <p>11 that if she received pricing reports from the pricing</p> <p>12 services such as First DataBank, that she had a duty</p> <p>13 to check with you or others at Warrick to make sure</p> <p>14 that the request from the pricing services was</p> <p>15 answered?</p> <p>16 MR. MOORE: Objection, form, no</p> <p>17 foundation. You're asking him for a legal conclusion.</p> <p>18 A. That's a very broad question. I believe that</p> <p>19 she would answer whatever questions they are. If she</p> <p>20 needed information for it, she probably would have</p> <p>21 come to us.</p> <p>22 Q. (BY MR. ANDERSON) Do you see there in the</p> <p>23 second paragraph of the first page of Exhibit 69, sir,</p> <p>24 beginning with the word "Your," and I'll read this</p> <p>25 language. "Your assistance in verifying the accuracy</p>

48 (Pages 603 to 606)

<p style="text-align: right;">603</p> <p>1 If we are going to talk about the exhibit, let's get 2 it out and look at it. 3 Q. (BY MR. ANDERSON) Compare, if you could, 4 Mr. Weintraub, Exhibit 4 with what's now been marked 5 as Exhibit 73. 6 A. Yes. 7 Q. Does Exhibit 4 reflect a bcc to Janice 8 Brennan? 9 A. No, it does not. 10 Q. Why, Mr. Weintraub, did you bcc Janice 11 Brennan on your letter to Kay Morgan in July of 2002 12 regarding the WAC prices on albuterol solution 13 products? 14 A. I cannot remember. It may -- it may have 15 been, but I can't be sure about that, that the request 16 came through Janice Brennan. I'm not sure. 17 Q. Is that because Janice Brennan was 18 interfacing with the pricing services on behalf of 19 Warrick over the years? 20 MR. MOORE: Objection, form. 21 A. I don't know to what extent she interfaced 22 with the pricing services. Our interface was merely 23 in submitting prices -- submitting AWP's on our 24 products as we launched them. 25 Q. (BY MR. ANDERSON) Mr. Weintraub, in looking</p>	<p style="text-align: right;">605</p> <p>1 A. Yes. 2 Q. Okay. And is the reason that you needed to 3 report these WAC prices to Kay Morgan because you were 4 listing for the first time these new albuterol sulfate 5 solutions with First DataBank? 6 A. I don't know that. It appears to me that 7 she's requested WAC pricing and we're answering a 8 request, a direct request. I don't know that that was 9 the reason that we were doing this, other than her -- 10 answering her request. 11 Q. And is it true that, in fact, Warrick 12 provided WAC pricing? 13 MR. MOORE: Objection, form. Asked and 14 answered. 15 A. I think the document is pretty clear about 16 the fact that I said, "You requested WAC pricing." I 17 told her that we have a range of prices at which we 18 sell products at any given time and you disclosed that 19 our highest would be sufficient for your purposes. 20 Whatever purposes she was using them for, I don't 21 know. 22 Q. (BY MR. ANDERSON) Well, you knew, didn't 23 you, Mr. Weintraub, that Medicaid officials used WAC 24 pricing in setting reimbursement? 25 MR. MOORE: Objection, form.</p>
<p style="text-align: right;">604</p> <p>1 at the NDC numbers of these albuterol solution 2 products, isn't it true that those are different 3 products than the albuterol solution products that 4 Warrick had marketed in years prior to 2002? 5 A. I would have to take a look at them. 6 Q. Well, you remember, don't you, sir, that 7 you-all stopped supplying the nonsterile solution 8 products and started supplying the sterile solutions? 9 A. That's correct. 10 Q. And that happened in 2002, right? 11 A. I can't remember the exact year. 12 Q. Okay. And in fact, you changed your package 13 sizes, too. You went from a glass bottle that was 14 dangerous when opened and you went to a plastic 15 bottle, right? 16 MR. MOORE: I object to the form of the 17 question. 18 MR. ANDERSON: I'll rephrase. 19 MR. MOORE: There's no foundation -- 20 MR. ANDERSON: I'll rephrase. 21 MR. MOORE: -- for that. 22 Q. (BY MR. ANDERSON) Mr. Weintraub, isn't it 23 true that you switched your package size of the 24 albuterol solutions from a glass container to plastic 25 vials?</p>	<p style="text-align: right;">606</p> <p>1 A. I don't know -- 2 MR. MOORE: Excuse me, Mr. Weintraub. 3 Objection, form, asked and answered. 4 It's argumentative. 5 A. I don't know how the Medicaid people use 6 their pricing. 7 Q. (BY MR. ANDERSON) Mr. Weintraub -- 8 A. There are all sorts of pricing available to 9 them. It was their option to use it in any way they 10 wanted. 11 MR. ANDERSON: I object -- 12 MR. MOORE: Jarrett, I think we're about 13 done -- 14 MR. ANDERSON: -- to the latter part as 15 nonresponsive. 16 MR. MOORE: -- for today. 17 MR. ANDERSON: I've got a couple more 18 questions. 19 Q. (BY MR. ANDERSON) Mr. Weintraub, where did 20 you look to find these highest WAC prices on the 21 albuterol solutions? 22 A. I can't recall specifically. I probably 23 looked at the price list, but I can't be certain of 24 that. 25 Q. And when you say "price list," you mean the</p>

619

IN THE CIRCUIT COURT OF
MONTGOMERY COUNTY, ALABAMA

STATE OF ALABAMA,)	
Plaintiff,)	
)	
VS.)	NO. CV-2005-0219-PR
)	
ABBOTT LABORATORIES,)	
INC., et al,)	
Defendants.)	

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

ROBERT J. SWANSTON,)	NO. CV 2022-004988
individually and on behalf)	
of himself and all others)	
similarly situated,)	
Plaintiff,)	(Assigned to the
)	Honorable Janet
VS.)	Barton)
)	
TAP PHARMACEUTICAL PRODUCTS,)	
INC.; et al.,)	
Defendants.)	

ORAL AND VIDEOTAPED DEPOSITION OF

HARVEY J. WEINTRAUB

September 21, 2006

Volume 4

2 (Pages 620 to 623)

<p style="text-align: right;">620</p> <p>1 UNITED STATES DISTRICT COURT DISTRICT OF ARIZONA</p> <p>2 THE STATE OF ARIZONA) Cause No. 2:06-cv-00045-ROS 3 ex rel. TERRY GODDARD,) Plaintiff,) 4) VS.) 5) ABBOTT LABORATORIES;) 6 et al.,) Defendants.)</p> <p>7 ***** 8 9 IN THE CIRCUIT COURT OF PULASKI COUNTY, ARKANSAS 10 FIFTH DIVISION</p> <p>11 STATE OF ARKANSAS,) 12) VS.) CASE NO. CIV 2004-634 13) WARRICK PHARMACEUTICALS) 14 CORPORATION; SCHERING-PLOUGH) CORPORATION; and SCHERING) 15 CORPORATION.) 16 *****</p> <p>17 DOCKET NO. X07-CV-03-0083296S (CLD) 18 STATE OF CONNECTICUT) SUPERIOR COURT 19) COMPLEX LITIGATION DOCKET 20) AT TOLLAND VS.) 21) DEY INC., ET AL) 22) 23 ***** 24 25</p>	<p style="text-align: right;">622</p> <p>1 COMMONWEALTH OF KENTUCKY FRANKLIN CIRCUIT COURT DIVISION TWO</p> <p>2 3 CIVIL ACTION NO. 03-CI-1135</p> <p>4 COMMONWEALTH OF KENTUCKY) 5 ex rel. GREGORY D. STUMBO,) ATTORNEY GENERAL,) 6 Plaintiff,) VS.) 7) WARRICK PHARMACEUTICALS) 8 CORP., et al.,) Defendants.) 9 ***** 10 11 UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS</p> <p>12 THE COMMONWEALTH OF) 13 MASSACHUSETTS,) 14 Plaintiff,) VS.) Case No. 03-CV-11865-PBX 15) MYLAN LABORATORIES,) 16 INC., et al.,) Defendants.) 17 18 ***** 19 20 UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS</p> <p>21 IN RE PHARMACEUTICAL) MDL No. 1456 22 INDUSTRY AVERAGE) Civil Action No. 01-12257-PBS 23 WHOLESALE PRICE) Judge Patti B. Saris LITIGATION) Magistrate Judge 24) Marianne B. Bowler 25</p>
<p style="text-align: right;">621</p> <p>1 IN THE COURT OF THE SECOND JUDICIAL CIRCUIT IN AND FOR LEON COUNTY, FLORIDA</p> <p>2 THE STATE OF FLORIDA) 3 Ex rel.) VEN-A-CARE OF THE) CIVIL ACTION NO. 4 FLORIDA KEYS, INC.,) 98-3032A et al.,) 5 Plaintiffs,) VS.) 6) BOEHRINGER INGELHEIM) 7 CORPORATION; DEY, INC.; DEY,) L.P.; et al.,) 8 Defendants.) 9 ***** 10 11 IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF HAWAII</p> <p>12 STATE OF HAWAII,) CIVIL NO. 06-00437 13 Plaintiff,) DAE/BMK VS.) 14) ABBOTT LABORATORIES INC.;) 15 ALPHARMA USPD, INC.; et al.,) Defendants.) 16 ***** 17 18 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS COUNTY DEPARTMENT, CHANCERY DIVISION</p> <p>19 THE PEOPLE OF THE STATE OF) 20 ILLINOIS,) 21 Plaintiff,) VS.) Case No. 05 CH 02474 22) 23 ABBOTT LABORATORIES, et al.,) Defendants.) 24 25</p>	<p style="text-align: right;">623</p> <p>1 IN THE CHANCERY COURT OF THE FIRST JUDICIAL DISTRICT OF HINDS COUNTY, MISSISSIPPI</p> <p>2 3 STATE OF MISSISSIPPI,) Plaintiff,) 4) VS.) CIVIL ACTION NO: G2005-2021 5) ABBOTT LABORATORIES,) 6 INC., et al.,) Defendant.) 7 ***** 8 9 IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS STATE OF MISSOURI</p> <p>10 11 STATE OF MISSOURI, ex rel.) JEREMIAH W. (JAY) NIXON,) 12 Attorney General,) AND) 13) Case No: 054-1216 14 MISSOURI DEPARTMENT OF) SOCIAL SERVICES, DIVISION OF) 15 MEDICAL SERVICES,) Division No. 31 Plaintiff,) 16) VS.) 17) DEY, INC., DEY, L.P., MERCK) 18 KGaA, et al.,) Defendant.) 19 ***** 20 21 22 23 24 25</p>

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<p style="text-align: right;">624</p> <p>1 SUPERIOR COURT OF NEW JERSEY 2 UNION COUNTY 3 LAW DIVISION 4 DOCKET NO.: UNN-L-2329-04</p> <p>5 CLIFFSIDE NURSING HOME, INC.,) 6 on behalf of itself and all) 7 other similarly situated, as) 8 defined herein,) 9 Plaintiffs,) Civil Action 10 VS.) 11 DEY, INC., WARRICK) 12 PHARMACEUTICALS CORPORATION,) 13 et al.,) 14 Defendants.)</p> <p>15 *****</p> <p>16 SUPERIOR COURT OF NEW JERSEY 17 MONMOUTH COUNTY 18 LAW DIVISION 19 DOCKET NO.: MON-L-3136-06</p> <p>20 INTERNATIONAL UNION OF) 21 OPERATING ENGINEERS,) 22 LOCAL 68 WELFARE FUND,) Civil Action 23 Plaintiffs,) 24 VS.) 25 ASTRAZENECA, PLC, et al.,) Defendant.)</p> <p>*****</p> <p>STATE OF NEW YORK SUPREME COURT : COUNTY OF ERIE</p> <p>THE COUNTY OF ERIE,) Plaintiff,) VS.) Index No. 12005-2439 ABBOTT LABORATORIES,) INC. ET AL.,) Defendants.)</p>	<p style="text-align: right;">626</p> <p>1 IN THE COMMONWEALTH COURT OF PENNSYLVANIA 2 3 COMMONWEALTH OF PENNSYLVANIA) 4 by Thomas W. Corbett, Jr.,) 5 in his capacity as Attorney) 6 General of the Commonwealth) 7 of Pennsylvania,) No. 212 MD 2004 8 Plaintiff,) 9 VS.) 10 TAP PHARMACEUTICAL PRODUCTS,) 11 INC., et al.,) 12 Defendant.)</p> <p>*****</p> <p>STATE OF SOUTH CAROLINA IN THE COURT OF COMMON PLEAS COUNTY OF RICHLAND FOR THE FIFTH JUDICIAL CIRCUIT</p> <p>STATE OF SOUTH CAROLINA,) and HENRY D. McMASTER,) In His Official Capacity as) Attorney General for the) Civil Action No. State of South Carolina,) 06-CP-40-4390 Plaintiff,) VS.) WARRICK PHARMACEUTICALS) CORPORATION, SCHERING-PLOUGH) CORPORATION, and SCHERING) CORPORATION,) Defendants.)</p> <p>*****</p>
<p style="text-align: right;">625</p> <p>1 STATE OF NEW YORK 2 SUPREME COURT COUNTY OF OSWEGO</p> <p>3 THE COUNTY OF OSWEGO,) 4 Plaintiff,) 5 -against-) Index No. 06-0697 6 ABBOTT LABORATORIES,) 7 INC., AGOURON) 8 PHARMACEUTICALS, INC.,) 9 ET AL.,) 10 Defendants.)</p> <p>*****</p> <p>STATE OF NEW YORK SUPREME COURT COUNTY OF SCHENECTADY</p> <p>THE COUNTY OF OSWEGO,) Plaintiff,) -against-) Index No. 2006-886 ABBOTT LABORATORIES,) INC., AGOURON) PHARMACEUTICALS, INC.,) ET AL.,) Defendants.)</p> <p>*****</p> <p>COUNTY OF COMMON PLEAS HAMILTON COUNTY, OHIO</p> <p>STATE OF OHIO,) Case No. A0402047 Plaintiff,) -vs-) Judge Myers DEY, INC., et al.,) Defendant.)</p>	<p style="text-align: right;">627</p> <p>1 STATE OF SOUTH CAROLINA IN THE COURT OF COMMON PLEAS 2 COUNTY OF RICHLAND FOR THE FIFTH JUDICIAL CIRCUIT</p> <p>3 STATE OF SOUTH CAROLINA,) 4 and HENRY D. McMASTER,) 5 In His Official Capacity as) 6 Attorney General for the) Civil Action No. 7 State of South Carolina,) 06-CP-40-4399 8 Plaintiff,) 9 VS.) 10 WARRICK PHARMACEUTICALS) 11 CORPORATION, SCHERING-PLOUGH) 12 CORPORATION, and SCHERING) 13 CORPORATION,) 14 Defendants.)</p> <p>*****</p> <p>STATE OF WISCONSIN CIRCUIT COURT DANE COUNTY BRANCH 7</p> <p>STATE OF WISCONSIN,) Plaintiff,) VS.) Case NO. 04-CV-1709 AMGEN, INC., et al.,) Defendants.)</p> <p>*****</p>

34 (Pages 748 to 751)

<p style="text-align: right;">748</p> <p>1 Warrick?</p> <p>2 A. I was the first one that was a Warrick</p> <p>3 employee as far as the sales or operations were</p> <p>4 concerned. Subsequently Mr. Gough -- I pulled in</p> <p>5 Mr. Gough. Mr. Kapur came in later on during the</p> <p>6 year. And we may have had an administrative aide or</p> <p>7 two. That was -- and I can't recall when I got</p> <p>8 Mr. Sherman, in what year it was, 1994, 1995.</p> <p>9 Q. Your -- your experience and your knowledge</p> <p>10 and your skills that you obtained in the previous 40</p> <p>11 years at Schering were essentially the main reason why</p> <p>12 you were tasked to start up this generic business</p> <p>13 which Schering had never been involved in before;</p> <p>14 isn't that right?</p> <p>15 A. I don't know what was in the minds of the</p> <p>16 people who appointed me. My assumption is that they</p> <p>17 thought I was capable of getting it functioning to the</p> <p>18 degree that they wanted.</p> <p>19 Q. And --</p> <p>20 MR. MOORE: Michael, when you get to a</p> <p>21 stopping --</p> <p>22 Q. (BY MR. WINGET-HERNANDEZ) -- with the time</p> <p>23 that you --</p> <p>24 MR. MOORE: Excuse me. Just let me --</p> <p>25 when you get to a stopping point, let's take a break.</p>	<p style="text-align: right;">750</p> <p>1 A. Yes.</p> <p>2 Q. (BY MR. WINGET-HERNANDEZ) In fact, all of</p> <p>3 the systems that have been put into place, all of the</p> <p>4 manual systems, all the filing systems, all the</p> <p>5 business reports, all the computer systems, all of</p> <p>6 those systems were your -- at your disposal for</p> <p>7 beginning the Warrick start-up operation, weren't</p> <p>8 they?</p> <p>9 A. They were at my disposal. Many of them were</p> <p>10 not capable of handling what was going to be required</p> <p>11 for Warrick. It was a different business.</p> <p>12 Q. In any case, if there were business systems</p> <p>13 or filing systems or personnel who were accomplishing</p> <p>14 particular kinds of business tasks, your decision not</p> <p>15 to use them in the start-up of Warrick or in the</p> <p>16 prosecution of Warrick's business was a deliberate</p> <p>17 one?</p> <p>18 MR. MOORE: Object to the form of the</p> <p>19 question.</p> <p>20 A. For the most part it was deliberate. In</p> <p>21 other cases they may not have had -- they may not have</p> <p>22 had the outage to give me what I required.</p> <p>23 MR. WINGET-HERNANDEZ: Go ahead and take</p> <p>24 your break, Mike, please.</p> <p>25 THE VIDEOGRAPHER: Stand by. The time</p>
<p style="text-align: right;">749</p> <p>1 We have been at it about an hour now. Take five</p> <p>2 minutes.</p> <p>3 MR. WINGET-HERNANDEZ: We just took a</p> <p>4 break.</p> <p>5 MR. MOORE: No, we didn't take a break.</p> <p>6 We just all sat here while they changed the tape. I</p> <p>7 would like to take a break when you get to a stopping</p> <p>8 point.</p> <p>9 MR. HEIDLAGE: Mr. Moore, could you</p> <p>10 speak up a little bit, please?</p> <p>11 MR. MOORE: I'm sorry. I apologize.</p> <p>12 I'm usually not -- that's usually not a problem.</p> <p>13 MR. WINGET-HERNANDEZ: He just wants a</p> <p>14 break.</p> <p>15 MR. MOORE: I have a lot of problems,</p> <p>16 but that's usually not one of them. I would like to</p> <p>17 take a short break when you get to a stopping point.</p> <p>18 MR. WINGET-HERNANDEZ: All right.</p> <p>19 MR. MOORE: Please.</p> <p>20 MR. WINGET-HERNANDEZ: All right.</p> <p>21 Q. (BY MR. WINGET-HERNANDEZ) When you came to</p> <p>22 work at -- when you were assigned to do the -- to</p> <p>23 start up Warrick Pharmaceuticals, did you have at your</p> <p>24 disposal all of the resources of Schering Corporation?</p> <p>25 MR. MOORE: Object to form.</p>	<p style="text-align: right;">751</p> <p>1 is 11:43 a.m. We are off the record.</p> <p>2 (Recess from 11:43 to 11:53)</p> <p>3 THE VIDEOGRAPHER: Stand by. The time</p> <p>4 is 11:53 a.m. We are back on the record.</p> <p>5 Q. (BY MR. WINGET-HERNANDEZ) Mr. Weintraub,</p> <p>6 it's true that you -- that -- that you provided for</p> <p>7 the entire time that you worked at Warrick or for</p> <p>8 Warrick as a consultant AWP prices to the states,</p> <p>9 correct?</p> <p>10 A. That is correct.</p> <p>11 Q. Do you remember any of the AWP prices for any</p> <p>12 of Warrick's albuterol solutions?</p> <p>13 A. As a result of the testimony here and being</p> <p>14 shown some documents I remember a 13.95 price. I</p> <p>15 remember a 14.99 price. I remember \$1.21 price for 3</p> <p>16 mL. I remember those.</p> <p>17 Q. Okay. Can you -- can you tell us what the</p> <p>18 AWP prices were for the albuterol three by 25's</p> <p>19 throughout the life of those products -- of that</p> <p>20 product?</p> <p>21 A. The three by 25's?</p> <p>22 Q. Yes.</p> <p>23 A. I would have to look at it, but I -- I would</p> <p>24 have to look at them. I think it's \$30.25, but I may</p> <p>25 be wrong.</p>

Exhibit C



PROGRAM SYSTEMS & OPERATIONS ADMINISTRATION
DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Parris N. Glendening
Governor

201 WEST PRESTON STREET
BALTIMORE, MARYLAND 21201
PHONE: 410 -225- _____

Martin P. Wasserman, M.D., J.D.
Secretary
Joseph E. Davis
Director

July 26, 1996

Dear Drug Manufacturer:

We are currently reviewing pricing information of products covered by the Maryland Medicaid and Pharmacy Assistance Programs to determine our accuracy of reimbursement.

To conduct an accurate and thorough review, we are requesting the following information for the product(s) indicated:

PRODUCT
ALBUTEROL

NDC
59930 1560 01

Price for 01/02/96 :

Acquisition/Suggested Price Source:

Package Size:

Wholesale Acquisition Cost
Direct Price (if available)
Distributor Price (generics)
Average Wholesale Price

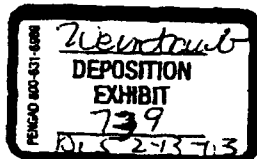
15.45
15.45
15.45
21.49

17 gram inhaler (complete)
"
"
"

Please return the requested information within 30 days to:

Division of Pharmacy Services
Program Systems & Operations Administration
P.O. Box 2158
Baltimore, Md 21203

If you have any questions or concerns regarding this matter, please contact Ms. Kim Howell at (410) 767-6028.



CONFIDENTIAL
WPX0006891

Sincerely,

Joseph E. Davis
Joseph E. Davis, Director

TDD FOR DISABLED: Maryland Relay Service 1-800-735-2258

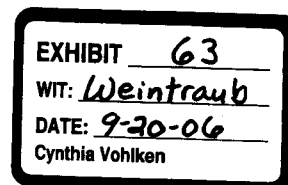


Exhibit D



7500 North Natchez Avenue, Niles, Illinois 60714-3800 Telephone 1 800 547-3869

CONFIDENTIAL

December 30, 1995

Mr. Michael Neff
Chief, Medi-Cal Contracting Section
California Dept. of Health Services
714 P St., Room 1786
Sacramento CA 95814

Dear Mr. Neff:

Please be informed that Warrick Pharmaceuticals, a unit of Schering-Plough Corporation, is pleased to announce the availability of Albuterol, USP Inhalation Aerosol, a generic to Proventil (R) Inhalation Aerosol, and rated A. Product Information for package sizes and pricing information is as follows:

PRODUCT	Pkg. Size	NDC 59930-	AWP	Direct Wholesale
Albuterol, USP Inhalation Aerosol	17 g Canister	1560-1	\$21.41	\$16.06
Albuterol, USP Inhalation Aerosol (Refill)	17 g (Refill)	1560-2	\$19.79	\$14.80

Please be advised that Warrick does not sell direct to retail pharmacies. Enclosed please find the following: Package Insert and FDA Approval Letter. See **INDICATIONS** section of package insert for **Indications/Use**. This product is being marketed under the Proventil NDA 17-559. This information is being provided in the event it is required for reimbursement purposes. If you require any additional information, please feel free to contact me at 908-629-3604.

Sincerely,

CALIFORNIA

Phyllis T. Sinoradzki, M.A.E.
Executive Assistant

0800853

WP00001629A

EXHIBIT 33
WIT: Weintraub
DATE: 9-19-06
Cynthia Vohlken

Exhibit E



12125 Moya Boulevard, Reno, Nevada 89506-2600 • Telephone 1 800 547-3869

July 16, 2002

Kay Morgan
Manager, Editorial Services
First Data Bank, Inc.
1111 Bayhill Drive
San Bruno, California 94066-3027

Dear Kay,

You've requested Warrick's WAC pricing for Albuterol Sulfate Inhalation Solutions. In our conversation earlier this week, I told you that Warrick has a range of prices at which it sells its products at any given time, and you said that disclosing our highest WAC would be sufficient for your purposes. Please be informed that our highest WAC price for each of the Albuterol Sulfate Inhalation Solutions, as of 7/15/02, is as follows:

			<u>NDC #</u>	<u>Highest WAC Price</u>
Albuterol Sulfate Solution	0.083%	24 x 3 mL	59930-1517-1	\$11.16
Albuterol Sulfate Solution	0.083%	60 x 3 mL	59930-1517-2	\$27.98
Albuterol Sulfate Solution	0.5%	20 mL	59930-1647-2	\$ 8.04

Sincerely,

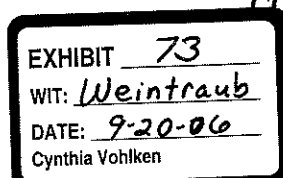
Harvey Weintraub

cc: Lynette Guillory
bcc: Janice Brennan

HW/dc
S:/Warrick/Harvey/Morgan Ltr 7-9-02.doc

WP 0024231A
CONFIDENTIAL

Highly Confidential



RGXA 0085145

Exhibit F



Warrick
PHARMACEUTICALS

Pricing Service

12125 Moya Boulevard, Reno, Nevada 89506-2600 • Telephone 1 800 547-3869

June 11, 2002

Ms. Linda Panke
Medical Economics Company
5 Paragon Drive
Montvale, NJ 07645-1742

Dear Ms. Panke:

Please be informed that the Food and Drug Administration requires that as of May 27, 2002, all manufacturers of albuterol sulfate inhalation solution may only ship sterile product. (Non-sterile product in the trade prior to May 27 can continue to be sold.) Accordingly, Warrick Pharmaceuticals Albuterol Sulfate Inhalation Solution, the generic equivalent to Proventil Solution, will be shipped by Warrick only as a sterile product after May 27 with new NDC's. Product information for package sizes and pricing information is as follows:

Product	Strength	NDC 59930-	Pkg. Size	AWP*
Albuterol Sulfate Inhalation Solution Sterile	0.083%	1517-1	24 x3 mL	\$29.04
Albuterol Sulfate Inhalation Solution Sterile	0.083%	1517-2	60 x 3 mL	\$72.60
Albuterol Sulfate Solution for Inhalation Sterile	0.5%	1647-2	20 mL	\$14.99

*The pricing of all Warrick products, which are generic, varies from day to day according to market conditions. Warrick Pharmaceuticals does not suggest prices for wholesalers to charge retail pharmacies. The identified price is not the market price or Warrick's estimate of wholesale prices to pharmacies.

The AWP per 3 mL unit (\$1.21) remains unchanged from the previously available product.

This product is rated AN.

If you require any additional information, please feel free to contact me at (908) 653-2560.

Sincerely,

B. Michael Kennedy
B. Michael Kennedy
Director, Managed Care Financial Services

Cc: C. Wessel

S:\dr\ProductLaunch\pricing\services.docbv

HIGHLY CONFIDENTIAL

EXHIBIT 75
WIT: Weintraub
DATE: 9-21-06
Cynthia Vohken

RGX 0258301

PRICING SERVICE LISTING

Title	Address1
Ms. Bernacchi	Ms. Terri Bernacchi Innovative Health Strategies, Inc. 633 W. Wisconsin Avenue, Suite 1009 Milwaukee, WI 53203
Ms. Panke	Ms. Linda Panke Medical Economics Company 5 Paragon Drive Montvale, NJ 07645-1742
Mr. Johnson	Mr. Kent T. Johnson PCS Health Systems 5701 Green Valley Road Minneapolis, MN 55437
Ms. Morgan	Ms. Kay Morgan Manager, Editorial Services Price Alert/First Data Bank 1111 Bayhill Drive, #350 San Bruno, CA 94066
Ms. Jones	Ms. Lynn D. Jones Pharmaceutical Industry Relations Representative ScriptPro 5828 Reeds Road Mission, KS 66202
Ms. Guillory	Ms. Lynette Guillory Price Alert/First Data Bank 1111 Bayhill Drive San Bruno, CA 94066 fax=650-827-4578 phone=650-246-2859
Ms. Moore	Ms. Laura L. Moore, Rph Micromedex 6200 South Syracuse Way Suite 300 Greenwood, CO 80111-4740

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STATE MEDICAID AGENCY LISTING

Print	Title	Address1
	Mr. Lewis	Mr. Michael Lewis Commissioner Alabama Medicaid Agency 501 Dexter Avenue P.O. Box 5624 Montgomery, AL 36103-5624
	Mr. Labbe	Mr. Bob Labbe Director Div. of Medical Assistance-Dept of Health and Social Services PO Box 110660 Juneau, AK 99811
	Ms. Biedess	Ms. Phyllis Biedess Director Arizona Health Care Cost Containment System 801 E. Jefferson Phoenix, AZ 85034
	Mr. Hanley	Mr. Ray Hanley Director Division of Medical Services Department of Human Resources P.O. Box 1437, Slot 1100 103 E. 7 th Street Little Rock, AR 72203
	Ms. Margolis	Ms. Gail Margolis Director Medical Care Services Department of Health Services 714 "P" Street, Room 1253 Sacramento, CA 95814
	Ms. Reinertson	Ms. Karen Reinertson Executive Director Office of Medical Assistance Department of Health Care Policy & Financing 1575 Sherman St Denver, CO 80203-1714
	Mr. Parella	Mr. David Parrella Director Medical Care Administration Department of Social Services 25 Sigourney Street Hartford, CT 06106

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Print	Title	Address1
	Mr. Soule	Mr. Philip P. Soule Sr. Deputy Director Medical Services Department of Health and Social Services P.O. Box 906, Lewis Building New Castle, DE 19720
	Mr. Weldon	Mr. Herbert H. Weldon Jr. Deputy Director Medical Assistance Administration Department of Health 825 North Capitol Street NE Suite 5135 Washington, DC 20002
	Mr. Sharpe	Mr. Bob Sharpe Deputy Secretary Agency for Health Care Administration 2727 Mahan Drive, Building 3 Tallahassee, FL 32308
	Mr. Trail	Mr. Mark Trail Acting Director Department of Medical Assistance 2 Peachtree St., 40 th Floor Atlanta, GA 30303
	Ms. Hiramatsu	Ms. Aileen Hiramatsu Med-Quest Division Administrator Department of Human Services P.O. Box 339 Fed. Ex (601 Kamokila Blvd., Room 518 Kapolei, HI 96707) Honolulu, HI 96809-0339
	Mr. Brunson	Mr. Joe Brunson Administrator Department of Health and Welfare Division of Medicaid 3380 Americana Terrace, Suite 230 Boise, ID 83706
	Ms. Garner	Ms. Jackie Garner Medicaid Director Medical Programs Illinois Department of Public Aid 201 S. Grand Avenue, East Springfield, IL 62763-0001

STATE MEDICAID AGENCY LISTING

Print	Title	Address1
	Ms. Bella	Ms. Melanie Bella Director Medicaid Policy & Planning Family & Social Services Administration 402 W. Washington Street, Room W382 Indianapolis, IN 46204-2739
	Ms. Parker	Ms. Susan Parker Pharmacy Consultant Department Human Services 1305 E Walnut Avenue Hoover Bldg – 5 th Floor Des Moines, IA 50319
	Mr. Day	Mr. Robert Day Medicaid Director Director of Medical Policy Department of Social and Rehabilitation Services 915 SW Harrison, 5 th Floor Topeka, KS 66612
	Mr. Robinson	Mr. Mike Robinson Commissioner Department of Medicaid Services 275 East Main Street, 6 West Frankfort, KY 40621
	Mr. Bearden	Mr. Ben A. Bearden Director Bureau of Health Services Financing Department of Health and Hospitals 1201 Capitol Access Road P.O. Box 91030 Baton Rouge, LA 70821-9030
	Mr. Gessow	Mr. Eugene Gessow Director Bureau of Medical Services Department of Human Services Statehouse Station #11 Building 205, 3 rd Floor Augusta, ME 04333
	Ms. Chang	Ms. Debbie Chang Deputy Secretary of Health Care Financing Department of Health and Mental Hygiene 201 West Preston Street Baltimore, MD 21201

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	Ms. Warring	Ms. Wendy Warring Commissioner Division of Medical Assistance 600 Washington Street Boston, MA 02111
	Ms. Gellert	Ms. Doris Gellert Deputy Director Department of Community Health 400 South Pine Lansing, MI 48933
	Ms. Kennedy	Ms. Mary Kennedy Medicaid Director Assistant Commissioner for Health Care Department of Human Services 444 Lafayette Rd St. Paul, MN 55155-3852
	Ms. Lewis-Payton	Ms. Rica Lewis-Payton Medicaid Director Division of Medicaid Office of the Governor 239 North Lamar Street Jackson, MS 39201-1399
	Mr. Vadner	Mr. Greg Vadner Director Division of Medical Services Department of Social Services 615 Howerton Court P.O. Box 6500 Jefferson City, MO 65102
	Mr. Chappuis	Mr. John Chappuis Deputy Director Dept. of Public Health & Human Services 1400 Broadway Helena, MT 59601
	Mr. Seiffert	Mr. Bob Seiffert Administrator Medical Services Division Department of Health & Human Services P.O. Box 95026 301 Centennial Mall South, 5 th Floor Lincoln, NE 68509

STATE MEDICAID AGENCY LISTING

Print	Title	Address1
	Mr. Duarte	Mr. Chuck Duarte Administrator Division of Health Care Financing and Policy 1100 E. Williams Suite 116 Carson City, NV 89710
	Ms. Real	Ms. Lori Real Medicaid Director Health Policy & Medicaid Department of Health and Human Services Office of the Commissioner 129 Pleasant Street Concord, NH 03301-6521
	Ms. Plant	Ms. Kathryn Plant Director Div. Medical Assistance & Health Services Department of Human Services P.O. BOX 712 Trenton, NJ 08625-0712
	Mr. Maruca	Mr. Robert Maruca Director Medical Assistance Division Department of Human Services 2025 South Pacheco Sante Fe, NM 87504
	Ms. Kuhmerker	Ms. Kathryn Kuhmerker Deputy Commissioner Office of Medicaid Management Department of Health Empire State Plaza Room 1466, Corning Tower Building Albany, NY 12237
	Ms. Yeager	Ms. Nina Yeager Director Div. of Medical Assistance Department of Health & Human Services 1985 Umstead Drive, 2517 Mail Service Center Raleigh, NC 27699-2517
	Mr. Zentner	Mr. David Zentner Director Medical Services Dept. of Human Services 600 East Boulevard Avenue Bismarck, ND 58505-0261

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STATE MEDICAID AGENCY LISTING

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	Ms. Edwards	Ms. Barbara Edwards Deputy Director Office of Medicaid Department of Human Services 30 E. Broad Street, 31st Floor Columbus, OH 43266-0423
	Mr. Fogarty	Mr. Mike Fogarty CEO Oklahoma Health Care Authority 4545 N. Lincoln Blvd, Suite 124 Oklahoma City, OK 73105
	Ms. Thorne	Ms. Jean Thorne Director Office of Medical Assistance Programs Department of Human Resources 500 Summer Street Salem, OR 97310-1014
	Ms. Dierkers	Ms. Peg J. Dierkers Ph.D. Deputy Secretary Department of Public Welfare Health and Welfare Building RM 515 Commonwealth Avenue & Forster Street Harrisburg, PA 17120
	Mr. Young	Mr. John Young C.P.M., Associate Director Division of Health Care Quality Department of Human Services 600 New London Avenue Cranston, RI 02920
	Mr. Prince	Mr. Bill Prince Medicaid Director Department of Health & Human Services P.O. Box 8206 Columbia, SC 29202-8206
	Mr. Prunty	Mr. Damian Prunty Administrator Medical Services Department of Social Services Kneip Building 700 Governors Drive Pierre, SD 57501-2291

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	Mr. Martins	Mr. Manny Martins TennCare Director Department of Finance & Administration 729 Church Street Nashville, TN 37247-6501
	Ms. Wertz	Ms. Linda Wertz Deputy Commissioner Medicaid and CHIP Health and Human Services Commission 4900 North Lamar Street, Fourth Floor P.O. Box 13247 Austin, TX 78711 (78751 FedEx)
	Mr. Betit	Mr. Rod Betit Executive Director Department of Health P.O. Box 141000 Salt Lake City, UT 84114-1000
	Mr. Wallace-Brodeur	Mr. Paul Wallace-Brodeur Director Office of Health Access Department of Social Welfare Agency of Human Services 103 South Main Street Waterbury, VT 05676
	Mr. Finnerty	Mr. Patrick Finnerty Director Department of Medical Assistance Services 600 E. Broad Street - Suite 1300 Richmond, VA 23219
	Mr. Porter	Mr. Doug Porter Assistant Secretary Medical Assistance Administration Department of Social & Health Services PO Box 45080 Olympia, WA 98504-5080
	Ms. Leitch	Ms. Kathy Leitch Assistant Secretary Aging and Adult Services Administration P.O. Box 45050 Olympia, WA 98504-5050

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STATE MEDICAID AGENCY LISTING

Print	Title	Address1
	Ms. Atkins	Ms. Nancy Atkins Commissioner Bureau of Medical Services Dept. of Health and H.R. 350 Capitol Street – Room 251 Charleston, WV 25301-3706
	Ms. Handrich	Ms. Peggy Handrich Administrator Division of Health Care Financing Department of Health and Family Services 1 West Wilson Street – Room 350 P.O. Box 309 Madison, WI 53701-0309
	Ms. Oleske	Ms. Iris Oleske State Medicaid Agent Health Care Access & Resource Division 154 Hathaway Building 2300 Capitol Avenue Cheyenne, WY 82002

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Exhibit G

03/02/09 TUE 15:21 FAX 415 827 4578

FIRST DATA BANK

002

(A59930) WARRICK FUARN

PAGE 1

NATIONAL DRUG DATA FILE PRODUCT UPDATE REPORT
PREPARED BY FIRST DATA BANK COPYRIGHT (C) 1999, THE HEARST CORPORATION

NDC	PRODUCT DESCRIPTION	PACK SIZE	WHLNET	DIR	AWP	EFFECTIVE DATE
59930-1500-06 RX	ALBUTEROL .83MG/ML SOLUTION 60'S, U-D	3.0 ML	\$59.40	\$0.00	\$72.60	93/10/12
59930-1500-08 RX	ALBUTEROL .83MG/ML SOLUTION 25'S, U-D	3.0 ML	\$24.75	\$0.00	\$30.25	93/10/12
59930-1502-01 RX	ISOSORBIDE MN 30MG TAB SA	100.0 EA	\$0.00	\$0.00	\$111.56	99/01/16
59930-1510-05 RX	ALBUTEROL SULF 2MG/5ML SYRP	480.0 ML	\$19.00	\$0.00	\$24.75	93/08/01
59930-1515-04 RX	ALBUTEROL 5MG/ML SOLUTION	20.0 ML	\$9.00	\$0.00	\$14.99	95/09/22
59930-1520-01 RX	ALBUTEROL SULFATE 2MG TAB	100.0 EA	\$2.50	\$0.00	\$23.65	94/06/15
59930-1520-02 RX	ALBUTEROL SULFATE 2MG TAB	500.0 EA	\$8.50	\$0.00	\$112.25	94/06/15
59930-1530-01 RX	ALBUTEROL SULFATE 4MG TAB	100.0 EA	\$4.50	\$0.00	\$35.20	94/06/15
59930-1530-02 RX	ALBUTEROL SULFATE 4MG TAB	500.0 EA	\$15.00	\$0.00	\$168.25	94/06/15
59930-1537-01 RX	SELEGILINE HCL 5MG TABLET	60.0 EA	\$102.04	\$0.00	\$122.45	96/11/13

EXHIBIT 71
 WIT: Weintraub
 DATE: 9-20-06
 Cynthia Vohken

CONFIDENTIAL

RGX 0190075

03/02/99 TUE 15:21 FAX 415 827 4578

FIRST DATA BANK

0003

(A5930) WARRICK PHARM					PAGE 2	
NATIONAL DRUG DATA FILE PRODUCT UPDATE REPORT PREPARED BY FIRST DATABANK COPYRIGHT (C) 1999, THE HEARST CORPORATION						
NDC	PRODUCT DESCRIPTION	PACK SIZE	WHOLEY	DIR	AWP	EFFECTIVE DATE
59930-1517-02 RX	SELEGILINE HCL 5MG TABLET	500.0 EA	\$841.80	\$0.00	\$1010.20	96/11/13
59930-1537-03 RX	SELEGILINE HCL 5MG TABLET	1000.0 EA	\$1565.60	\$0.00	\$2000.00	96/11/13
59930-1549-01 RX	ISOSORBIDE MN 60MG TAB SA	100.0 EA	\$0.00	\$0.00	\$117.40	98/11/09
59930-1560-01 RX	ALBUTEROL 90MCG INHALER	17.0 GM	\$16.06	\$0.00	\$21.41	96/01/02
59930-1560-02 RX	ALBUTEROL 90MCG INH REFILL	17.0 GM	\$14.80	\$0.00	\$19.79	96/01/02
59930-1570-01 RX	CLOTRIMAZOLE 1% CREAM	15.0 GM	\$6.25	\$0.00	\$7.85	94/01/01
59930-1570-02 RX	CLOTRIMAZOLE 1% CREAM	30.0 GM	\$10.50	\$0.00	\$13.40	94/01/01
59930-1570-03 RX	CLOTRIMAZOLE 1% CREAM	45.0 GM	\$12.75	\$0.00	\$16.25	94/01/01
59930-1570-09 RX	CLOTRIMAZOLE 1% CREAM 2 X 45GM TUBES	90.0 GM	\$17.50	\$0.00	\$22.25	94/01/01
59930-1573-01 RX	AMOXICILLIN 125MG TAB CHW	60.0 EA	\$0.00	\$0.00	\$7.85	97/07/02

CONFIDENTIAL

RGX 0190076

03/02/99 TUE 15:21 FAX 415 827 4578

FIRST DATA BANK

004

(A59930) WARLICK PHARM		NATIONAL DRUG DATA FILE PRODUCT UPDATE REPORT PREPARED BY FIRST DATABANK COPYRIGHT (C) 1959, THE HEARST CORPORATION				PAGE 3	
NDC	PRODUCT DESCRIPTION	PACK SIZE	WHLNET	DIR	AMP	EFFECTIVE DATE	
59930-1573-02 RX	AMOXICILLIN 125MG TAB CHEW	100.0 EA	\$0.00	\$0.00	\$11.00	97/07/02	
59930-1573-03 RX	AMOXICILLIN 125MG TAB CHEW	500.0 EA	\$0.00	\$0.00	\$52.25	97/07/02	
59930-1575-01 RX	BETAMETHASONE DP 0.05% OINT AUGMENTED	15.0 GM	\$15.50	\$0.00	\$21.47	95/10/25	
59930-1575-02 RX	BETAMETHASONE DP 0.05% OINT AUGMENTED	45.0 GM	\$11.65	\$0.00	\$43.20	95/10/25	
59930-1575-03 RX	BETAMETHASONE DP 0.05% OINT AUGMENTED	50.0 GM	\$0.00	\$0.00	\$51.30	96/09/12	
59930-1592-01 RX	GLYBURIDE 1.25MG TABLET	100.0 EA	\$9.25	\$0.00	\$18.35	95/11/01	
59930-1600-01 RX	PBRPHENABINE 2MG TABLET	300.0 EA	\$20.50	\$0.00	\$46.00	95/11/16	
59930-1602-01 RX	LABETALOL HCL 100MG TABLET	100.0 EA	\$0.00	\$0.00	\$48.01	98/08/04	
59930-1602-02 RX	LABETALOL HCL 100MG TABLET	500.0 EA	\$0.00	\$0.00	\$227.78	98/08/04	
59930-1602-03 RX	LABETALOL HCL 100MG TABLET	1000.0 EA	\$0.00	\$0.00	\$421.86	98/08/04	

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NATIONAL DRUG DATA FILE PRODUCT UPDATE REPORT PREPARED BY FIRST DATABANK COPYRIGHT (C) 1999, THE HEARST CORPORATION						PAGE	4
NDC	PRODUCT DESCRIPTION	PACK SIZE	WHOLET	DIR	AMP	EFFECTIVE DATE	
59930-1502-04 RX	LABELTALOL HCL 100MG TABLET U-D	100.0 EA	\$0.00	\$0.00	\$50.99	98/08/04	
59930-1603-01 RX	PERPHENAZINE 4MG TABLET	100.0 EA	\$28.00	\$0.00	\$65.00	95/11/16	
59930-1603-01 RX	PERPHENAZINE 8MG TABLET	100.0 EA	\$34.00	\$0.00	\$78.00	95/11/16	
59930-1609-01 OTC	SODIUM CHLORIDE 0.9% AMPULE 100'S, U-D	3.0 ML	\$0.00	\$0.00	\$24.00	98/01/13	
59930-1609-02 OTC	SODIUM CHLORIDE 0.9% AMPULE 100'S, U-D	5.0 ML	\$0.00	\$0.00	\$24.00	98/01/13	
59930-1610-01 RX	PERPHENAZINE 16MG TABLET	100.0 EA	\$46.00	\$0.00	\$108.00	95/11/16	
59930-1611-01 RX	AMOXICILLIN 250MG TAB CHEW	60.0 EA	\$0.00	\$0.00	\$11.75	97/07/02	
59930-1611-02 RX	AMOXICILLIN 250MG TAB CHEW	100.0 EA	\$0.00	\$0.00	\$22.85	97/07/02	
59930-1611-03 RX	AMOXICILLIN 250MG TAB CHEW	500.0 EA	\$0.00	\$0.00	\$108.50	57/07/02	
59930-1620-01 RX	GRISOFULVIN ULTRA 125MG TB	100.0 EA	\$24.95	\$0.00	\$33.11	94/12/21	
Color: WHITE							

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(A55930) WARRICK PHARM

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NDC	PRODUCT DESCRIPTION	PACK SIZE	WHOLESALE	DIR	AWP	EFFECTIVE DATE
59930-1621-01 RX Color: WHITE	GRISOFULVIN ULTRA 250MG TB	100.0 EA	\$48.75	\$0.00	\$64.96	94/12/21
59930-1622-01 RX	GLYBURIDE 2.5MG TABLET	100.0 EA	\$13.60	\$0.00	\$30.60	95/11/01
59930-1624-01 RX Color: OFF-WHITE Shape: OVAL-SCORED	GRISOFULVIN ULTRA 330MG TB	100.0 EA	\$61.85	\$0.00	\$82.47	94/12/21
59930-1636-01 RX	LABETALOL HCL 200MG TABLET	100.0 EA	\$0.00	\$0.00	\$68.10	98/08/04
59930-1636-02 RX	LABETALOL HCL 200MG TABLET	500.0 EA	\$0.00	\$0.00	\$123.53	98/08/04
59930-1636-03 RX	LABETALOL HCL 200MG TABLET	1000.0 EA	\$0.00	\$0.00	\$614.41	98/08/04
59930-1636-04 RX	LABETALOL HCL 200MG TABLET U-D	100.0 EA	\$0.00	\$0.00	\$71.07	98/08/04
59930-1638-01 RX	CHOLESTYRAMINE LIGHT PACKET	60.0 EA	\$0.00	\$0.00	\$82.12	98/01/19
59930-1638-02 RX	CHOLESTYRAMINE LIGHT POWDER	231.0 GM	\$0.00	\$0.00	\$35.67	98/02/10
59930-1639-01 RX	GLYBURIDE 5MG TABLET	100.0 EA	\$20.30	\$0.00	\$53.00	95/11/01

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NDC	PRODUCT DESCRIPTION	PACK SIZE	WHOLET	DIR	AMT	EFFECTIVE DATE			
59930-1639-02 RX	GLYBURIDE 5MG TABLET	500.0 EA	\$96.45	\$0.00	\$228.00	95/11/01			
59930-1639-03 RX	GLYBURIDE 5MG TABLET	1000.0 EA	\$182.70	\$0.00	\$440.00	95/11/01			
59930-1650-01 RX	THEOPHYLLINE 100MG TAB SA	100.0 EA	\$4.25	\$0.00	\$11.70	94/07/01			
59930-1650-02 RX	THEOPHYLLINE 100MG TAB SA	500.0 EA	\$19.00	\$0.00	\$38.00	94/07/01			
59930-1651-01 RX	LABETALOL HCL 300MG TABLET	100.0 EA	\$0.00	\$0.00	\$90.61	98/08/04			
59930-1651-02 RX	LABETALOL HCL 300MG TABLET	500.0 EA	\$0.00	\$0.00	\$430.23	98/08/04			
59930-1653-03 RX	LABETALOL HCL 300MG TABLET U-D	100.0 EA	\$0.00	\$0.00	\$93.59	98/08/04			
59930-1655-01 RX	CAPTOPRIL 12.5MG TABLET	100.0 EA	\$0.00	\$0.00	\$59.13	96/02/14			
59930-1655-02 RX	CAPTOPRIL 12.5MG TABLET	500.0 EA	\$0.00	\$0.00	\$280.88	96/02/14			
59930-1655-03 RX	CAPTOPRIL 12.5MG TABLET	1000.0 EA	\$0.00	\$0.00	\$533.67	96/02/14			

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NDC	PRODUCT DESCRIPTION	PACK SIZE	WHOLESALE	DIR	AWP	EFFECTIVE DATE
59930-1656-01 RX	CAPTOPRIL 25MG TABLET	100.0 EA	\$0.00	\$0.00	\$63.93	96/02/14
date of change: / /						
59930-1656-02 RX	CAPTOPRIL 25MG TABLET	500.0 EA	\$0.00	\$0.00	\$103.66	96/02/14
date of change: / /						
59930-1656-03 RX	CAPTOPRIL 25MG TABLET	1000.0 EA	\$0.00	\$0.00	\$576.95	96/02/14
date of change: / /						
59930-1657-01 RX	CAPTOPRIL 50MG TABLET	100.0 EA	\$0.00	\$0.00	\$109.62	96/02/14
date of change: / /						
59930-1657-02 RX	CAPTOPRIL 50MG TABLET	500.0 EA	\$0.00	\$0.00	\$520.71	96/02/14
date of change: / /						
59930-1657-03 RX	CAPTOPRIL 50MG TABLET	1000.0 EA	\$0.00	\$0.00	\$989.36	96/02/14
date of change: / /						
59930-1658-01 RX	CAPTOPRIL 100MG TABLET	100.0 EA	\$0.00	\$0.00	\$149.98	96/02/14
date of change: / /						
59930-1658-02 RX	CAPTOPRIL 100MG TABLET	500.0 EA	\$0.00	\$0.00	\$693.40	96/02/14
date of change: / /						
59930-1658-03 RX	CAPTOPRIL 100MG TABLET	1000.0 EA	\$0.00	\$0.00	\$1317.45	96/02/14
date of change: / /						
59930-1660-01 RX	THEOPHYLLINE 200MG TAB EA	100.0 EA	\$6.25	\$0.00	\$19.00	94/07/01
date of change: / /						

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NDC =====	PRODUCT DESCRIPTION =====	PACK SIZE =====	WHOLESALE =====	DIR =====	AMP =====	EFFECTIVE DATE =====
59930-1660-02 RX	THEOPHYLLINE 200MG TAB SA	500.0 EA	\$28.75	\$0.00	\$82.00	94/07/01
date of change: ___/___/___						
59930-1660-03 RX	THEOPHYLLINE 200MG TAB SA	1000.0 EA	\$52.50	\$0.00	\$155.00	94/07/01
date of change: ___/___/___						
59930-1670-01 RX	THEOPHYLLINE 300MG TAB SA	100.0 EA	\$8.00	\$0.00	\$22.00	94/07/01
date of change: ___/___/___						
59930-1670-02 RX	THEOPHYLLINE 300MG TAB SA	500.0 EA	\$34.75	\$0.00	\$98.00	94/07/01
date of change: ___/___/___						
59930-1670-03 RX	THEOPHYLLINE 300MG TAB SA	1000.0 EA	\$64.50	\$0.00	\$190.00	94/07/01
date of change: ___/___/___						
59930-1680-01 RX	THEOPHYLLINE 450MG TAB SA	100.0 EA	\$23.12	\$0.00	\$27.75	94/07/01
date of change: ___/___/___						
59930-1685-01 RX	MEXILETINE 150MG CAPSULE	100.0 EA	\$54.35	\$0.00	\$69.24	95/11/01
date of change: ___/___/___						
59930-1686-01 RX	MEXILETINE 200MG CAPSULE	100.0 EA	\$64.75	\$0.00	\$82.22	95/11/01
date of change: ___/___/___						
59930-1687-01 RX	MEXILETINE 250MG CAPSULE	100.0 EA	\$75.30	\$0.00	\$95.66	95/11/01
date of change: ___/___/___						
59930-1771-01 RX	FLURBIPROFEN 50MG TABLET	100.0 EA	\$42.25	\$0.00	\$68.02	95/06/20
date of change: ___/___/___						

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NDC	PRODUCT DESCRIPTION	PACK SIZE	WHOLESALE	DIR	AMP	EFFECTIVE DATE	
59930-1772-01 RX	FLURBIPROFEN 100MG TABLET	100.0 EA	\$65.00	\$0.00	\$107.58	95/06/20	
59930-1772-01 RX	FLURBIPROFEN 100MG TABLET	500.0 EA	\$292.50	\$0.00	\$571.76	95/06/20	date of change: ___/___/___
59930-1800-01 RX	CIMETIDINE 200MG TABLET	100.0 EA	\$47.32	\$0.00	\$79.92	95/06/07	date of change: ___/___/___
59930-1800-02 RX	CIMETIDINE 200MG TABLET	500.0 EA	\$212.94	\$0.00	\$399.60	95/06/07	date of change: ___/___/___
59930-1800-01 RX	CIMETIDINE 200MG TABLET	1000.0 EA	\$402.22	\$0.00	\$799.20	95/06/07	date of change: ___/___/___
59930-1801-01 RX	CIMETIDINE 300MG TABLET	100.0 EA	\$49.53	\$0.00	\$83.65	95/06/07	date of change: ___/___/___
59930-1801-02 RX	CIMETIDINE 300MG TABLET	500.0 EA	\$222.89	\$0.00	\$418.26	95/06/07	date of change: ___/___/___
59930-1801-03 RX	CIMETIDINE 300MG TABLET	1000.0 EA	\$421.00	\$0.00	\$836.52	95/06/07	date of change: ___/___/___
59930-1802-01 RX	CIMETIDINE 400MG TABLET	100.0 EA	\$82.17	\$0.00	\$138.82	95/06/07	date of change: ___/___/___
59930-1802-02 RX	CIMETIDINE 400MG TABLET	500.0 EA	\$169.77	\$0.00	\$694.10	95/06/07	date of change: ___/___/___

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NO	PRODUCT DESCRIPTION	PACK SIZE	WHOLEST	DIR	AMP	EFFECTIVE DATE
59930-1802-03 RX	CIMETIDINE 400MG TABLET	1000.0 EA	\$698.45	\$0.00	\$1388.20	95/06/07
date of change: __/__/__						
59930-1803-01 RX	CIMETIDINE 800MG TABLET	100.0 EA	\$145.64	\$0.00	\$246.01	95/06/07
date of change: __/__/__						
59930-1803-02 RX	CIMETIDINE 800MG TABLET	500.0 EA	\$655.38	\$0.00	\$1230.05	95/06/07
date of change: __/__/__						
59930-1803-03 RX	CIMETIDINE 800MG TABLET	1000.0 EA	\$1237.94	\$0.00	\$2460.10	95/06/07
date of change: __/__/__						

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Exhibit H

F-Inhaler (Finance).

WARRICK PHARMACEUTICALS

MEMO

TO: R. Bucko

DATE: December 11, 1995

FROM: D. Reich

COPIES: Distribution

SUBJECT: Warrick Inhaler Invoicing

REFERENCE:

In the event that the Warrick generic albuterol inhaler is launched, Warrick will guarantee its accounts a launch price equal to the prevailing market price 30 days post-launch in order for Warrick to be competitive in the marketplace. Warrick will invoice each account at an initial price, and then issue credits as the price erodes on all units purchased during the first 30 days. After 30 days, Warrick will guarantee price protection on further price declines on only those units remaining in inventory at the account.

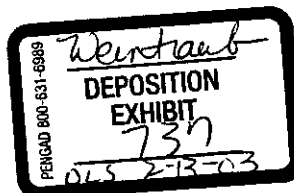
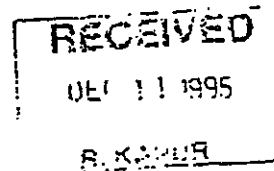
We expect that the price 30 days post-launch could erode as much as 50% from the initial launch price of \$14-\$15/unit. We also could sell as many as 1,500,000-3,000,000 units in the first 30 days. Consequently, in the event that the inhaler is launched, the appropriate accrual should be set up to accommodate this decline.

Please call me or Ray Kapur if you have questions.

D. Reich
D. Reich

DR:dr

cc. Y. Cagnina
E. Desimone
P. Hiley
R. Kapur
K. McCormick-Rutar
E. Smith
B. Smyth
H. Weintraub



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